

Ref.

Press Release Issued by the Department of State
on September 14, 1937

Following a conference with the Secretary of State and the Chairman of the United States Maritime Commission, the President today issued the following statement:

"Merchant vessels owned by the Government of the United States will not hereafter, until further notice, be permitted to transport to China or Japan any of the arms, ammunition, or implements of war which were listed in the President's proclamation of May 1, 1937.

"Any other merchant vessels, flying the American flag, which attempt to transport any of the listed articles to China or Japan will, until further notice, do so at their own risk.

"The question of applying the Neutrality Act remains in statu quo, the Government policy remaining on a 24-hour basis."



Page 201

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. II

Ref.

辯護側文書 第一四〇〇Aノ4

一九三七年九月十四日國務省發表記事解禁

大統領は本日國務長官及米國海軍委員會議長ニ諮りたる後左の聲明を發せり。

「米國政府により所有せらるゝ商船は爾今別命あるまで一九三七年五月一日附大統領布告所載兵器、彈藥及戰爭の用に供せらるる機器を支那或は日本に向け輸送せざるものとす」

米國旗を掲け右布告所載物件の支那或は日本向輸送を爲さんとする他の一切の米國商船は別命あるまで右を自己の危險に於て行ふものとす。

政府の政策は依然二十四時間制采を採りつゝあり、中立法適用の問題は現状の儘差置かる。

「米日外交關係」拔萃

第二卷 一九三一—一九四一 二〇一頁



Def. Doc. 1400-A-5



The Department of State to the Japanese Embassy

Reference is made to the note, No. 316, dated December 21, 1940, from the Japanese Embassy at Washington, in regard to restrictions recently placed on the exportation of iron and steel.

It is noted that the Embassy refers to its notes of August 3, 1940, and October 7, 1940, in regard to the restrictions placed on the exportation of aviation gasoline and iron and steel scrap. The Embassy's attention is invited to the replies which the Department addressed to those notes on August 9, 1940, and October 23, 1940. The statements therein made concerning the interests of the national defense of the United States apply fully to the considerations raised in the Embassy's note under acknowledgment in regard to the recent restrictions on the export of iron and steel.

Washington, January 7, 1941

Pages 237, 238

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN
1931-1941, Vol. 11

辯護詞第一 一四〇〇一▲一五號

米國政府ヨリ日本大使館宛

鐵及鋼ノ最近ノ輸出制限ニ關シ、在露府日本大使館ヨリ照會アリタル一
四〇年十二月廿一日付覺書第三一六號ニ付左ノ如ク回答スル。
當方承知ノ所ニ依レバ、日本大使館ハ、航空ガソリン並ニ二級層ノ輸出制
限ニ付キ一九四〇年八月三日並ニ同十月七日付同大使館覺書ニ關シ照會セ
ラルル趣ナリ。是ニ付キテハ、同覺書ニ對シ、當省ノ送付セル一九四〇年
八月九日並ニ一九四〇年十月廿三日付回答ニ留意サレ度シ。米合衆國ノ國
防關係ニ關シ同回答中ニ説明セル事項ハ、當方ノ受領ニ接セル、鐵及鋼ノ最
近ノ輸出制限ニ關スル同大使館ヨリノ覺書中ニ申立テラレタル諸事項ニ全
面的ニ適用セラルルモノデアル。

一九四一年一月七日
於 華 府

米國對外國關係一日本一九三一年一四一年
第二卷・二三七・二三八頁ヨリノ抜萃



Not used

The Chief of the Office of Arms and Munitions
Control, Department of State (Green), to 148
Persons and Companies Manufacturing Airplane
Parts

Washington, July 1, 1938

As some misunderstanding appears to have arisen as to the purport of the statement made by the Secretary of State in his press conference on June 11 in regard to bombing civilian populations from the air, I am addressing this letter in regard to the matter to all persons and companies registered as manufacturers or exporters of airplanes or aeronautical equipment.

In view of the fact that the Secretary's statement definitely condemned bombing of civilian populations from the air, it should be clear to all concerned that the Government of the United States is strongly opposed to the sale of airplanes or aeronautical equipment which would materially aid or encourage that practice in any countries in any part of the world. Therefore, in view of this policy, the Department would with great regret issue any licenses authorizing exportation, direct or indirect, of any aircraft, aircraft armament, aircraft engines, aircraft parts, aircraft accessories, aerial bombs or torpedoes to countries the armed forces of which are making use of airplanes for attack upon civilian populations.

Should any manufacturer or exporter have already entered into contractual obligations, of which he finds it impossible to divest himself, to sell or export airplanes or aeronautical equipment, for which licenses have been issued or for which he has heretofore intended to apply for licenses, to any country which is engaged in bombing civilian populations from the air, it is suggested that he may wish to inform the Department of the terms of that contract before applying for licenses to export pursuant to it or before exporting under licenses already issued.

Very truly yours,

Joseph C. Green

Pages 201, 202

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. LL

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機務側文書第一四〇〇號I B I 4

國務省兵器彈藥統制局長（グリーン）發個人三會社航空機部品製造者
一四八名宛書簡

ワシントン 一九三八年（昭和十三年）

七月一日

非國員空爆に關し新聞記者國との會見に於て爲したる國務長官の六月十一
一日附聲明の内容に關し或る種の誤解を生じたる如くなるにより、茲に個
人或は會社にして航空機或は航空用器械製造業者或は輸出業者として登
録せられたるものの全員に對し右件に關し本書簡を發送す。

國務長官聲明が決定的に非國員空爆を非とする事実に値ふるも米國政
府が右様の行爲を世界の何れの國と雖も具體的に奨励し或は鼓勵する
に依立つ事あるべき航空機或は航空用器械の販賣に甚しく反對なることは
關係者一同に明なる所なるべし。依つて右の政策に値ふ本省が非國員空
爆にその軍隊が飛行機を使用しつゝ、ある國家に直接或は間接に航空機、航
空兵器、航空機門、航空部品、航空機附屬品、航空機用爆彈或は魚雷の何

等かを輸出する權利を附與する免許を與へる事は憂慮の起みとする處なり
製造業者、輸出者にして非關國員空爆を行ひつゝ、ある一同に對し航空機或
は航空用器械販賣或は輸出の契約上の義務を負ひ之が放棄不可能にして且右
に對し既に免許を與へられ或は特許出願を計画中なりし者は夫々輸出申請
前或は既得免許により輸出を行ふ以前に國務省に對し契約條項を通報せらる
を得ば幸甚なり。

敬 具

ジョセフ・シー・グリーン

「米國對外關係」日本」第二卷 一九三一—一九四一年抄録

二〇一頁—二〇二頁



Def. Doc. 1400-B-5

Executive Order No. 8631, Signed by President
Roosevelt, January 10, 1941

Pursuant to the authority vested in me by the provisions of section 6 of the Act of Congress approved July 2, 1940, entitled "An Act to expedite the strengthening of the national defense," I hereby prescribe the following additional regulations governing the exportation of:

1. Copper
2. Brass and Bronze
3. Zinc
4. Nickel
5. Potash

1. As used in my proclamation of January 10, 1941, issued pursuant to the provisions of section 6 of the Act of Congress approved July 2, 1940, and in these regulations, the above articles and materials shall be construed to include:

A. Copper:

Ore, concentrates, matte, and unrefined copper including blister, black or coarse, converter, and anodes.
Refined copper in bars, billets, cakes, ingots, slabs and other commercial shapes
Old and scrap copper
Pipes and tubes
Plates and sheets
Rods
Wire:
Bare
Insulated wire and cable:
Rubber-covered wire
Weatherproof wire
Other insulated wire
Other primary fabrications
Fabrications for munitions purposes
Alloys, other than brass and bronze

B. Brass and Bronze:

Scrap and old
Ingots and other commercial shapes
Bars and rods
Plates and sheets
Pipes and tubes
Wire (bare or insulated)
Other primary fabrications
Fabrications for munitions purposes

C. Zinc:

Ore, concentrates, and dross
Cast in slabs, plates, or blocks
Rolled in sheets and strips
Other forms including scrap
Alloys
Dust
Manufactures containing 20% or more zinc

D. Nickel:

Ores, concentrates, and matte
Metal in any form including ingots, bars, rods,
sheets, plates and scrap
Alloys containing 10% or more nickel including scrap
Nickel compounds (chemical) containing 10% or more
nickel

E. Potash:

Potassium Salts and Compounds
Potassium hydroxide (KOH)
Potassium carbonate (K_2CO_3)
Potassium Chlorate ($KClO_3$)
Potassium perchlorate ($KClO_4$)
Potassium cyanide (KCN)
Potassium iodide (KI)
Potassium nitrate (KNO_3)
Potassium permanganate ($KMnO_4$)
Potassium acetate ($KC_2H_3O_2$)
Potassium bicarbonate ($KHCO_3$)
Potassium bitartrate ($KHC_4H_4O_6$)
Potassic Fertilizer Materials
Potassium chloride (KCl)
Potassium sulphate (K_2SO_4)
All other potassic fertilizer materials
containing 27% or more potassium oxide
(K_2O) equivalent
All combinations and mixtures of any of the foregoing
containing potash salts of 27% or more
potassium oxide (K_2O) equivalent

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3. Regulation 1 of the Regulations issued July 2, 1940, pursuant to the Act of July 2, 1940, is modified only in so far as it applies to Copper, Brass and Bronze, Zinc, Nickel and Potash in accordance with the foregoing classification. Regulations 2 to 12 inclusive of the Regulations issued July 2, 1940, pursuant to the Act of July 2, 1940, are applicable to exportation of Copper, Brass, and Bronze, Zinc, Nickel and Potash.

Franklin D. Roosevelt

The White House, January 10, 1941

Pages 239, 240
Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Defense footnote: Commodity number omitted.



Memorandum by the Secretary of State

(Washington), January 6, 1940

The Japanese Ambassador called and handed me the attached notes, which are self-explanatory. I inquired whether he desired a written reply to the note in regard to moral sanctions, including an alleged contract between a Japanese company and American citizens concerning technical processes and manufacturing rights for the production of certain petroleum products. He said that the Japanese Government would like to have a written reply. I then remarked that he no doubt was aware of the fact that the so-called moral embargo on all phases of the airplane situation found its origin in and was based on the bombing of civilian populations from the air in China by the Japanese, and that I would probably list a great number of these bombings as reported to this Government and allow them to be published together with the balance of the contents of the note. The Ambassador appeared very startled at this idea, and repeated the request of his Government for a written reply.

With regard to technical processes for high-test gasoline, I stated that this Government, concerned as it is with the increase of war and the use or threat of force in so many parts of the world, feels constrained to conserve a number of the more vital interests it has in defense commodities or materials, and that this, together with our abhorrence of the bombings of civilian populations, is the basis for the conservation of the gasoline manufacturing processes to which the Ambassador referred.

The Ambassador brought up the question of the violation by this Government of the Treaty of Commerce of 1911. I said, without going into the merits of the matter, that I trusted his Government would not forget how many times American commercial rights and interests have suffered injury in China contrary to all treaties and all law, and that notwithstanding this fact, this Government and others perhaps were expected to be perfectly quiescent while being deprived of their right to participate in economic and other undertakings in China, although the Japanese Government would expect to enjoy the benefits of the rule of equality in its economic dealing with all the Western world. I then added that, as I had heretofore stated to the Ambassador, the subject of commercial treaties was under discussion between Mr. Grew and the Foreign Office at Tokyo, and that we were deferring the entire matter to that discussion for the time being. The Ambassador had nothing further to say.

C(ordell) H(ull)

Pages 204, 205

辯護圖書類 1400-C-4

國務長官覺書

(ワシントン)

一九四〇(昭和十五年)一月六日



日本大使は私を訪れて別紙のやうな文書を手交したが、之については説明を要しない。私は道徳的制裁一之には取る石油製品を作り出す技術的過程及び製造に關する日本の一曾社と米國民の間に結ばれたと主張せられる。契約を含めて一に關する覺悟に對して書面による回答を望むかと尋ねたところ、彼は日本政府は書面による回答に接したいと考へる旨答へた。そこで私は航空情況全般に亘る道徳的禁止は日本軍の中國非敵國に對する空爆に由來し又之に基くものであることは勿論御承知のことと思ふか、私は我が政府に報告された之等多數の爆撃事例を表にまとめて、爾余の覺悟内容と共に之を公表せしめる積りであると述べた。大使は之に非常驚いた様子で、重ねて本國政府が書面による回答を要するかと云つた。高級精製ガソリンの技術的過程については、私は我が政府は世界各地に於ける戦争の増加、武力の行使は脅威を懸念するが故その國防物資上のよ

FILE COPY

Not used

り須要なる利権の若干を保持することと又止むを得ずと考へるものであつて、これに非戦國員爆撃に對する我々の憎惡と並んで、大使の言及せるガソリン製造過程を保存する根拠をなすものであると述べた。

大使は我が政府の一九一一年の通商條約に對する違反の件を擧げた。私は事件の是非曲直を暫く措いて、日本政府は本國の通商上の在支權益があらゆる條約、法規に反して侵害せられたことはそも幾たびあつたかを忘れはすまい、それにもかゝらず、我が國その他の政府は日本政府があらゆる西洋の世果との經濟的取引に於て平等の原則の恩恵に浴することを期待するのに反し、その支那に於ける經濟的其の他の企業に参加する權利を導はれても全く之を默認するやうに期待されてゐるのであると述べた。それから附け加へて、前に大使は語つたやうに通商條約の件は今東京でグルー氏と外務省の間で商議されて居り、我々は茲暫く本件を右商議に譲りたいと述べた。大使はこれ以上何も云はなかつた。

○ 日 (コードル ハル)

米國の對外關係 日本分部 (昭六―昭十六)
一九三一―一九四一 第百卷 二〇四―二〇五 抜萃

Executive Order No. 8668, Signed by President
Roosevelt, February 4, 1941

Pursuant to the authority vested in me by the provisions of section 6 of the act of Congress approved July 2, 1940, entitled "An Act To expedite the strengthening of the national defense," I hereby prescribe the following additional regulations governing the exportation of the articles and materials named in my proclamation of February 4, 1941:

1. The articles and materials named in my proclamation of February 4, 1941, pursuant to section 6 of the act of July 2, 1940, shall be construed to include the following:

- (1) Well and refining machinery
Petroleum and gas well equipment and parts
including well drilling machinery and parts
Petroleum refining machinery, equipment and parts
- (2) Radium
Metal
Salts and compounds
- (3) Uranium
Metal
Salts and compounds
Minerals
- (4) Calf and kip skins
Calf skins
Kip skins

x x x x x x x x x x x x x x x x x x

3. Regulations 2 to 12 inclusive of the Regulations issued July 2, 1940, pursuant to section 6 of the act of July 2, 1940, are applicable to the exportation of the articles and materials listed in paragraph 1 (1) through (4) inclusive.

4. Executive Order No. 8640 is hereby amended to include within its provisions the articles and materials named in my proclamation of February 4, 1941.

Franklin D. Roosevelt

The White House, February 4, 1941

Pages 242, 243

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Entertaining the belief that steps taken by your Government, causing a situation not dissimilar in effect to that which might obtain under an export embargo discriminating against Japan, are in contravention to the provisions of Article V, paragraph 3, of the Treaty of Commerce and Navigation between Japan and the United States and at variance with the spirit of the Treaty as a whole and fearing that the continuation of such measures may affect the present earnest efforts of Japan and the United States for the improvement of mutual friendly relations through the maintenance and promotion of commerce between the two countries, my Government greatly deplores the herein referred to actions of the authorities of the United States Government.

I avail myself (etc.)

Kensuke Horinouchi

Pages 205, 6, 7

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. LL

The Japanese Ambassador (Horinouchi) to the
Secretary of State

No. 2

Washington, January 6, 1940

Sir: I have the honor to state that, as the result of a communication through a circular letter of July 1, 1938, addressed by the Department of State to manufacturers and exporters of aircraft and aircraft parts, in which it was mentioned that "the Department of State would with great regret issue any licenses authorizing exportation, direct or indirect, of any aircraft, aircraft armament, aircraft engines, aircraft parts, aircraft accessories, aerial bombs or torpedoes to countries the armed forces of which are making use of airplanes for attack upon civilian populations," it has virtually become impossible for Japanese firms to import any airplanes and airplane parts of American make.

As repeatedly stated by my Government, military operations of the Japanese air forces in China have been directed solely against warlike organizations and establishments of the Chinese. No bombing or machine-gunning has been resorted to against civilian population as such. The Japanese Government, therefore, cannot but take exception to any treatment of Japan as a country "the armed forces of which are making use of airplanes for attack upon civilian populations."

The above-mentioned measures employed by the Department of State, which, in view of the great influence that can be wielded by a central government upon private manufacturers and exporters, have the effect of a discriminatory export embargo. My Government considers that such measures applied to Japan are in derogation of the provision of Article V, paragraph 3, of the Treaty of Commerce and Navigation between Japan and the United States of February 21, 1911, and at variance with the general purposes of the Treaty as a whole.

While my Government was keenly alive to the unfortunate consequences of the said communication to American exporters, it did not relinquish the hope that the United States Government, in harmony with its fair and just trade policy, would before long retract it.

However, on December 16, 1939, another letter was addressed by the Department of State to manufacturers and exporters to the effect that the Department hoped that it would not receive any application for a license to authorize the exportation, direct or indirect, of articles enumerated in the letter of July 1, 1938, and, in addition thereto, of aeronautical equipment of all kind and materials essential to airplane manufacture. In order to point out that molybdenum and aluminum should be included among such materials, a letter was addressed by the Department to all producers of these two materials.

Still further, it was announced on December 20, 1939, from the Department of State that the decision had been reached that there should be no further delivery to certain countries of plans, plants, manufacturing rights, or technical information required for the production of high quality aviation gasoline and that this decision had been communicated to the interested American oil companies. The announcement cited the decision as an extension of the United States Government's policy in regard to the sale of

airplane, aeronautical equipment, and materials essential to airplane manufacture to countries the armed forces of which were engaged in unprovoked bombing or machine-gunning of civilian populations from the air.

Of late there occurred a number of cases in which the purchase of certain articles and materials under negotiation between Japanese firms and interested American companies has been rendered impossible as the result of the Department of State's letters.

To cite one of the most outstanding cases, a memorandum of a contract was drawn and initialed August 19, 1938, by representatives of Japan Gasoline Company on the one part and Universal Oil Products Company on the other.

It was stipulated that Universal Oil Products Company, which since 1928 had maintained close business connection with Japan Gasoline Company, should grant a license in Japan covering their polymerization processes for the production of iso-octanes and rights under all of their processes in the entire petroleum field, in return for which Japan Gasoline Company should pay \$1,000,000 United States funds to Universal Oil Products Company.

It was understood that, during the progress of the negotiations in connection with the above agreement, the representatives of Universal Oil Products Company approached and laid the pertinent facts before the Department of State, which made no objection to the transaction.

Under the terms of the agreement Japan Gasoline Company paid to Universal Oil Products Company a sum of \$300,000 on October 30, 1938, and \$400,000 on July 8, 1939. It was agreed that further payment of \$100,000 was to be made at the time of delivery of plans and specifications for a plant and a final payment of \$200,000 upon completion and test of such a plant. In essence, Universal Oil Products Company was bound to guarantee, within the limit of the money it was to receive in payment, complete working of the plant in Japan under polymerization processes.

Recently Universal Oil Products Company proposed that a final agreement should be made along the lines of the provisional agreement, and accordingly the two parties continued their negotiations.

On December 19, 1939, however, Universal Oil Products Company informed the representatives of Japan Gasoline Company that they had received a letter from the Department of State which left no alternative for them but to withhold further fulfillment of the terms of the contract.

The consummation of this contract, under which the greater part of the payment involved has already been made and other obligations required have been completely fulfilled by one of the parties, has for all practical purposes been frustrated.

Executive Order No. 8669, Signed by President
Roosevelt, February 4, 1941

Pursuant to the authority vested in me by the provisions of section 6 of the act of Congress approved July 2, 1940, entitled "An Act to expedite the strengthening of the national defense," I hereby prescribe the following additional regulations governing the exportation of:

Iron and Steel

1. As used in Proclamation No. 2449 of December 10, 1940, issued pursuant to the provisions of section 6 of the act of Congress approved July 2, 1940, and in these regulations, the terms "iron" and "steel" shall be construed to include the following forms, conversions, and derivatives:

Iron Ore:

Iron ore

Iron and Steel Semimanufactures:

Pig Iron

Iron and Steel Scrap:

No. 1 Heavy melting steel scrap (Category 2)

No. 2 Heavy melting steel scrap (Category 3)

Hydraulically compressed and baled sheet scrap
(Categories 7 & 8)

Cast and burnt iron scrap (Categories 1, 9, 10, 11, 12)

Other (Categories 4, 5, 6, 13) (Includes heavy shoveling steel, selected rail scrap, machine shop turnings, wire shorts, reolling rails, rejects etc.)

Tin-plate scrap (Includes tin-plate clippings, cuttings, stampings, trimmings, skeleton sheets, and all other miscellaneous pieces of discarded tin plate, which result from the manufacture of tin plate, and of tin-bearing articles from tin plate) (Placed under export control, Executive Order, effective April 16, 1936)

Tin-plate circles, strips, cobbles, and scroll-shear burrs
Waste-waste tin plate

Terneplate waste-waste, clippings, and scrap

Iron and Steel Products:

Steel ingots, blooms, billets, slabs, sheet bars, and
tinplate bars (Include ingot iron, and other iron
made in steel-making furnaces):

Not containing alloy

Alloy steel, including stainless

Iron and Steel Bars and Rods (Include rounds, flats,
squares, etc.)

Steel Bars, cold finished

Iron Bars

Concrete reinforcement bars (Include deformed and
twisted)

Other steel bars, including drill rods, merchant bars,
tool steel bars, and drill steel:

Not containing alloy

Stainless steel

Alloy steel other than stainless

Wire rods

Iron and Steel Plates, Sheets, Skelp, and Strips
(Include waste and waste-wasteplate, sheet and strip):

Plates:

Armor plate, other than that listed in the
President's Proclamation of May 1, 1937

Boiler plate

Other plates, not fabricated (Include hot and
cold rolled)

Not containing alloy

Stainless steel

Alloy steel other than stainless

Skelp iron and steel (Consists of long strips used
in the manufacture of pipes and tubes)

Iron and Steel, Galvanized:

Iron Sheets

Steel Sheets

Steel Sheets, Black, Ungalvanized, (Include hot and cold
rolled):

Not containing alloy

Stainless steel

Alloy steel, other than stainless

Iron Sheets, Black (Include material under 1/8" in
thickness in 6033-6036)

Strip, Hoop, Band, and Scroll Iron or Steel:

Cold Rolled:

Not containing alloy

Stainless steel

Alloy steel, other than stainless

Hot Rolled:

Not containing alloy

Stainless steel

Alloy steel, other than stainless

Tin plate and Taggers' tin (Include waste tin and plate)

Terneplate (Includes waste terneplate)

Steel Mill Manufactures:

Structural iron and steel:

Water, oil, gas, and other storage tanks
complete, and knocked-down material for
permanent or temporary installation

Structural shapes, not fabricated (Include heavy
light, and bar-sized structural shapes)

Fabricated structural iron or steel

Plates, fabricated, punched, or shaped

Steel piling

Railway-track materials:

Rails:

60 pounds and over per yard

Less than 60 pounds per yard

Relaying rails

Rail joints, splice bars, fishplates, and tieplates

Switches, frogs, crossings, and derails

Railroad spikes (Include railroad screw spikes)

Tubular products and fittings:

Boiler Tubes:

Seamless

Welded

Casing and oil-line pipe:

Seamless

Welded

Seamless black pipe, other than casing and oil-line

Cast-iron pressure pipe

Cast-iron soil pipe
Welded black pipe:
 Steel
 Wrought iron
Welded Galvanized pipe:
 Steel
 Wrought iron
Rigid electrical conduit of iron or steel
All other iron and steel pipe (Include riveted pipe
 and mechanical steel tubing)

- Iron or steel wire, uncoated (Includes plain steel, stainless steel, and alloy steel other than stainless)
- Galvanized wire
- Barbed wire
- Woven wire fencing
- Wire rope and wire strand:
 - Wire rope and cable, not insulated
 - Wire strand
- Electric welding rods and wire of iron or steel
- Welding rods and wire of iron or steel (other than electric)
- Bale ties
- Electrical and telephone transmission wires of iron or steel, coated with aluminum, copper, or other metals
- Insulated wire and cable having an iron or steel core
- Twisted wire
- Other coated wire of iron or steel

- Grey-iron castings (Include semi-steel castings)
- Malleable-iron castings
 - Ingot molds
 - Steel-castings:
 - Not containing alloy
 - Alloy steel, including stainless
- Railway car wheels and axles (Exclude railway car ties, locomotive wheels, tires, and axles):
 - Railway car wheels
 - Railway car axles, without wheels
 - Railway car axles, fitted with wheels
- Iron and Steel forgings (Exclude steel grinding balls)
 - Not containing alloy
 - Alloy steel including stainless

Fence posts
Metal drums and containers, filled or unfilled, for oil,
gas, and other liquids
Tool bits or tool bit blanks

Ferrochrome
Ferrocolumbium
Ferromanganese and spiegeleisen
Ferromolybdenum
Ferrophosphorus
Ferrosilicon
Ferrotitanium and ferro-carbontitanium
Ferrotungsten
Ferrovanadium

- 3 -

3. Paragraphs d, h, l, t, and u, of regulation 1 of the regulations issued July 2, 1940, pursuant to the act of July 2, 1940, so far as they apply to ferro-alloys, are modified in accordance with the foregoing list of forms, conversions, and derivatives. Regulations 2 to 12, inclusive, of the regulations issued July 2, 1940, pursuant to the act of July 2, 1940, are applicable to the exportation of iron and steel.

4. The regulations herein prescribed shall be effective February 15, 1941, and shall supersede those in Executive Order No. 8607 of December 10, 1940.

Franklin D. Roosevelt

The White House, February 4, 1941

Pages 243-248

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Defense Footnote: Commodity numbers omitted.



The Secretary of State to the Japanese
Ambassador (Horinouchi)

Washington, January 27,
1940

X X X X X X X X X X X X X X X X X

The attitude and policy of the Government of the United States in connection with the unprovoked bombing and machine-gunning of civilian populations are clearly indicated in the Department of State's press release of June 3, 1938; in the statement released by the President on December 2, 1939; and in the Department's press releases of December 15 and 20, 1939. Copies of the press releases under reference are enclosed for convenient reference. The American people and the American Government have directed the policy outlined in these press releases against a practice, not against specific countries; and its applicability to a particular country is determined not by any arbitrary finding of the American Government, but by the observable acts of the armed forces of such country or countries as may be engaged in military operations.

X X X X X X X X X X X X X X X X X

Reference is made to your statement to the effect that the Universal Oil Products Company, upon the receipt by it of a letter from the Department of State, was left no alternative but to withhold further fulfillment of a provisional agreement with the Japan Gasoline Company, and in particular to your statement that the pertinent facts in regard to the proposed transaction were communicated to the Department of State by the Universal Oil Products Company during the progress of negotiations and that the Department made no objection. It is observed that the Department of State's informal indication of non-objection to the installation in plants in foreign countries of certain processes for the production of iso-octane fuel was given before the continued widespread bombing and machine-gunning of civilian populations in certain areas impelled the American people and this Government to extend the policy of condemnation of that practice to include the withholding of delivery of technical processes for the production of high quality aviation gasoline from countries the armed forces of which are engaged in unprovoked bombing and machine-gunning of civilian populations from the air. Furthermore, the Government of the United States, concerned as it is with the increase and spread of war and the use or threat of force in so many parts of the world, has recently felt constrained to conserve vital interests which this Government has in certain commodities and technical processes relating to the national defense.

In view of the foregoing circumstances, the American Government is unable to agree that its action in inviting American exporters voluntarily to cooperate with the policy pursued by the American people and by this Government of condemning and

Def. Doc. 1400-E-4

discouraging the bombing and machine-gunning of civilian populations from the air constituted an infringement of either the letter or the spirit of the Treaty of Commerce and Navigation of 1911 between the United States and Japan.

Accept (etc.)

Cordell Hull

Pages 208-210

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. LL

Def. Doc. 1400-E-4

discouraging the bombing and machine-gunning of civilian populations from the air constituted an infringement of either the letter or the spirit of the Treaty of Commerce and Navigation of 1911 between the United States and Japan.

Accept (etc.)

Cordell Hull

Pages 208-210

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. LL

Def. Doc. 1400-E-4

discouraging the bombing and machine-gunning of civilian populations from the air constituted an infringement of either the letter or the spirit of the Treaty of Commerce and Navigation of 1911 between the United States and Japan.

Accept (etc.)

Cordell Hull

Ref.
Def Doc No 1400-E 4

國務長官ヨリ日本大使（堀内）宛

華府 一九四〇年（昭和十五年）一月二十七日

非戦闘員ニ對スル挑戰セラレザル爆撃及ビ機銃掃射ニ關スル合衆國政府ノ態度及ビ政策ハ一九三八年（昭和十三年）六月三日ノ國務省ノ新聞發表及ビ一九三九年（昭和十四年）十二月二日ニ大統領ガ發表シタ聲明書及ビ一九三九年（昭和十四年）十二月十五日及ビ二十日ノ國務省ノ新聞發表ノ中ニ於テ明瞭ニ述ベラレテキルトコロデアル。コ、ニ關係アル新聞發表ノ寫シハ參考ニ便ズル爲メ同封セラル。アメリカ國民及ビアメリカ政府ハコレ等ノ新聞發表ニ於テ概説サレタ政策ハ違反ノ行爲ヲ對象トシタルモノニシテ或ル特定ノヲ對象トシタルモノデハナイ。ソシテ特定ノ國ヘ對スル「ソ」ノ適用ハアメリカ政府ノ勝手ナル判定ニ依ルモノデナク、軍事作戰ニ從事スルコトアルベキ國或ハ國々ノ軍隊ノ表面化シタル行動ニ依ツテ決定サレルモノデアル。

ココニ申述ベルコトハ、ユニヴァーサル製油會社ハ國務省カラ文書ヲ受ケトツタ時、日本ガソリン會社トノ假協定ヲ現在以上ニ履行スルコトヲ差控



ヘル以外ニ採ルベキ道ガナカツタトイフ趣意ノ貴下ノ聲明奉ト、提案サレ
 タル取引ニ關スル適切ナル諸事實ガ交渉ノ進行中、ユニヴァーサル製油會
 社カラ國務省ヘ通報サレ、ソシテ國務省ハソレニ對シテ何等異議ヲ申立テ
 ナカツタトイフ貴下ノ聲明書ニ關スルモノデアル。同級オクタン價燃料ヲ
 製造スル或ル裝置ヲ諸外國ニ於ケル工場ニ備付ケル事ニ對シテ異議ナシト
 スル國務省ノ將式ノ指示ハ、非戰側員ニ對スル爆撃及ビ機銃掃射ガ或ル地
 域ニ繼續的ニ而モ廣範圍ニ亘ツテ行ハレルヨウニナリ、ソノ結果、アメリ
 カ國民及ビ本政府ガ余議ナク該違反行爲ヲ非トスル政策ヲ廣汎ニ適用シテ、
 空中ヨリ非戰側員ニ對シテ挑戰セラレザル爆撃及ビ機銃掃射ヲ加ヘテ、キ
 ル所ノ軍險ノ諸々ヘ高級航空用ガソリン製造ニ對スル工業上ノ方法ヲ讓渡
 スルコトヲ差控ヘルニ到ラナイ以前ニ於テナサレタルモノデアル。更ニ加
 フルニ、合衆國政府ハ、世界ノ非常ニ多クノ地域ニ於ケル戰爭ノ増大ト廣
 大、及ビ兵力ノ使用或ハ兵力ニ依ル脅喝ト云フコトニ關心ヲ喚起セシメラ
 レテキルガ故ニ、國防ニ關聯シテ本政府ガ或ル物品及ビ工業上ノ方法ニ於
 テ所有スル所ノ重要ナル利益ヲ保存スベキ必要ヲ最近感ズルニ到ツタノデ

アル。

前述ノ事情ニ鑑ミ、アメリカ政府ハアメリカノ輸出業者ヲシテ、アメリカ國民及ビアメリカ政府ニ依ツテトラレタ所ノ、空カラノ非難國民ニ對スル暴露及ビ機銃掃射ヲ非難シ防止シヨウトスルアメリカ國民ノ採用シテ居ル政策ニ自發的ニ協力スル深要請シタコトガ一九一一年（明治四十四年）ノ合衆國、日本間ノ通商、航海條約ノ條文又ハソノ精神ニ違背スルトイウ意見ニ同意スルコトハ出采ナイノデアル。

（等々）以下省略

コーデル・ハル・ハ

合衆國對外國關係——日本——

自一九三一年（昭和六年）至一九四二年（昭和十六年）

第二卷二〇八頁至二一〇頁ヨリ抜萃

Executive Order No. 8693, Signed by President
Roosevelt, February 25, 1941

Pursuant to the authority vested in me by the provisions of section 6 of the act of Congress approved July 2, 1940, entitled "An Act To expedite the strengthening of the national defense," I hereby prescribe the following additional regulations governing the exportation of the articles and materials designated in my proclamation of February 25, 1941:

1. The articles and materials designated in my proclamation of February 25, 1941, pursuant to section 6 of the act of July 2, 1940, shall be construed to include the following:

- (1) Belladonna:
 - Belladonna Leaves, U.S.P. (Belladonnae Folium):
 - Belladonna Plaster, U.S.P. (Emplastrum Belladonnae)
 - Extract of Belladonna, U.S.P. (Extractum Belladonnae)
 - Fluid Extract of Belladonna Leaf, N.F. (Fluid extractum Belladonnae Folii)
 - Tincture of Belladonna, U.S.P. (Tinctura Belladonnae)
 - Belladonna Ointment, U.S.P. (Unguentum Belladonna)
 - Belladonna Root, U.S.P. (Belladonnae Radix):
 - Fluid Extract of Belladonna Root, U.S.P. (Fluid extractum Belladonnae Radicis)
 - Belladonna Liniment, N.F. (Linimentum Belladonnae)
- (2) Atropine:
 - Atropine, U.S.P. alkaloid (Atropine, atropia):
 - Atropine Hydrobromide
 - Atropine Hydrochloride
 - Atropine Methylbromide
 - Atropine Methylnitrate
 - Atropine Nitrate
 - Atropine Salicylate
 - Atropine Sulfate, U.S.P. (Atropine Sulfae)
 - Atropine Sulfuric Acid
 - Atropine Valerate
- (3) Sole Leather
 - Bends, backs, and sides
- (4) Belting Leather

x x x x x x x x x x x x x x x x x x

3. Regulations 2 to 12 inclusive of the Regulations issued July 2, 1940, pursuant to section 6 of the act of July 2, 1940, are applicable to the exportation of the articles and materials listed in paragraph 1 (1) through (4) inclusive.

4. Executive Order No. 8640 is hereby amended to include within its provisions the articles and materials designated in my proclamation of February 25, 1941.

Franklin D. Roosevelt

The White House, February 25, 1941

Pages 249-250

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

See footnote: Numbers omitted.

Ref.
Def. Doc. No. 1400-E-7

Excerpt from Foreign Relations of the United States
Japan: 1931-1941 Vol. II

Page 740

Memorandum by the Secretary of State

[Washington,] November 17, 1941

I accompanied Ambassador Nomura and Ambassador Saburo Kurusu to the White House in order that the latter might be received by the President.

. . .

The President remarked that some time ago he proclaimed a zone around this hemisphere, 300 miles out in the sea in some places and 1,100 miles in others. The President added that this was self-defense.

. . .

C[ordell] H[ull]

Ref.

辯護側文書第一四〇〇一B一七號

米國の外交關係―日本、一九三一年一九四一年、第二卷
より拔萃。

第七四〇頁

國務長官の覺書

(ワシントンに於て)一九四一年(昭和十六年)十一月十七日
余は來栖三郎大使の大統領謁見の爲め、野村、來栖兩大使をホワイト
ハウスに伴つた。

X
X
X
X
X

大統領は、彼が、稍以前に、此の半球の周圍に或る場所では隔岸三百
哩まで、他の場所では隔岸千百哩までの水域を法的制限地域と布告した
る旨を語つた。大統領は、此れは自衛的措置であると附言した。

コーデル、ハル

Excerpt from Foreign Relations of the United States, Volume II

Memorandum of a Conversation

(WASHINGTON,) December 2, 1941.

.....

The Ambassador said that, while he did not wish to enter into a debate on the matter, he wished to point out that the Japanese people believe that economic measures are a much more effective weapon of war than military measures; that they believe they are being placed under severe pressure by the United States to yield to the American position; and that it is preferable to fight rather than to yield to pressure. The Ambassador added that this was a situation in which wise statesmanship was needed; that wars do not settle anything; and that under the circumstances some agreement, even though it is not satisfactory, is better than no agreement at all.

.....

J(OSEPH) W. B(ALLANTINE)

(Page 780)



辯證側文書第一四〇〇號 一 三

米國の對外國係第二條拔萃

會談學書

(ワシントン)一九四一年(昭和十六年)十二月二日



大使は、本問題の討議を始めるとを欲しないと同時に、日本國民は、經濟手段は軍事手段よりも更に有效な戰爭武器であると信じて居り、彼等は米國の地位に服従せよと米國から烈しい壓迫を加へられつゝあり、且壓迫に屈伏するよりも争ひつた方がましであると信じて居ることを指摘したいと語つた。又同大使はこれは賢明なる政治的手腕を必要とする時局であり、戦争に就つては何ものも解決されたいこと、而して現状に於ては、たとひ兩足すべきものでなくとも何らかの協定がなされることは何等の協定かたよりにはましかるゝと附言した。

—————

ジ(ヨセフ)ダフリユー・バ(ランタイン)

(七八〇頁)

Proclamation No. 2413, Signed by President Roosevelt,
July 2, 1940

WHEREAS Section 6 of the act of Congress entitled "AN ACT TO expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

"Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or materiel or supplies necessary for the manufacture, servicing or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years or by both such fine and imprisonment. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of Congress, do hereby proclaim that the administration of the provisions of section 6 of that act is vested in the Administrator of Export Control, who shall administer such provisions under such rules and regulations as I shall from time to time prescribe in the interest of the national defense.

AND I do hereby further proclaim that upon the recommendation of the aforesaid Administrator of Export Control, I have determined that it is necessary in the interest of the national defense that on and after July 5, 1940, the articles and materials hereinafter listed shall not be exported from the United States except when authorized in each case by a license as hereinafter provided:

1. Arms, ammunition, and implements of war as defined in my Proclamation No. 2237, of May 1, 1937.

2. The following basic materials and products containing the same:

- | | |
|------------------------|--------------------------|
| a. Aluminum | j. Manganese |
| b. Antimony | k. Magnesium |
| c. Asbestos | l. Manila fiber |
| d. Chromium | m. Mercury |
| e. Cotton linters | n. Mica |
| f. Flax | o. Molybdenum |
| g. Graphite | p. Optical glass |
| h. Hides | q. Platinum group metals |
| i. Industrial diamonds | r. Quartz crystals |

- | | |
|------------|-------------|
| s. Quinine | w. Toluol |
| t. Rubber | x. Tungsten |
| u. Silk | y. Vanadium |
| v. Tin | z. Wool |

3. Chemicals as follows:

- a. Ammonia and ammonium compounds
- b. Chlorine
- c. Dimethylaniline
- d. Diphenylamine
- e. Nitric acid
- f. Nitrates
- g. Nitrocellulose, having a nitrogen content of less than 12 percent
- h. Soda lime
- i. Sodium acetate, anhydrous
- j. Strontium chemicals
- k. Sulphuric acid, fuming

4. Products as follows:

- a. Aircraft parts, equipment, and accessories other than those listed in my proclamation of May 1, 1937
- b. Armor plate, other than that listed in my proclamation of May 1, 1937
- c. Glass, nonshatterable or bullet proof
- d. Plastics, optically clear
- e. Optical elements for fire control instruments, aircraft instruments, etc.

5. Machine tools as follows:

- Metal-working machinery for --
- (1) Melting or casting
 - (2) Pressing into forms
 - (3) Cutting or grinding, power driven
 - (4) Welding

AND I do hereby empower the Secretary of State to issue licenses authorizing the exportation of any of the said articles and materials the exportation of which is not already subjected to the requirement that a license be obtained from the Secretary of State authorizing their exportation and I do hereby authorize and enjoin him to issue or refuse to issue licenses authorizing the exportation of any of the articles or materials listed above in accordance with the aforesaid rules and regulations or such specific directives as may be, from time to time, communicated to him by the Administrator of Export Control.

AND I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of section 6 of the act above set forth, of the provisions of this proclamation, and of the provisions of such regulations as may be issued thereunder, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said act, of this my proclamation, and of any regulations which may be issued pursuant hereto, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 2nd day of July, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth, at 11 a.m., E.S.T.

(Seal)

Franklin D. Roosevelt

By the President:
Cordell Hull
Secretary of State

Pages 211-213

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. LL

Def. Doc. 1400-F-5

Executive Order No. 8694, Signed by President
Roosevelt, February 25, 1941

Pursuant to the authority vested in me by the provisions of section 6 of the act of Congress approved July 2, 1940, entitled "An Act To expedite the strengthening of the national defense," I hereby prescribe the following additional regulations governing the exportation of the articles and materials designated in my proclamation of February 25, 1941:

1. The articles and materials designated in my proclamation of February 25, 1941, pursuant to section 6 of the act of July 2, 1940, shall be construed to include the following:

- (1) Beryllium:
Ores and concentrates (except gem varieties)
Metal, alloys and scrap
Beryllium salts and compounds
- (2) Graphite electrodes
- (3) Aircraft Pilot Trainers
Trainers for ground instruction of pilots,
student pilots, and combat crews for aircraft
in instrument flying, navigation, bombing,
or gunnery.

x x

3. Regulations 2 to 12 inclusive of the Regulations issued July 2, 1940, pursuant to section 6 of the act of July 2, 1940 are applicable to the exportation of the articles and materials listed in paragraph 1 (1) through (3) inclusive.

4. Executive Order No. 8640 is hereby amended to include within its provisions the articles and materials designated in my proclamation of February 25, 1941.

Franklin D. Roosevelt

The White House, February 25, 1941

Pages 251, 252

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941 Vol. 11

Excerpt from Foreign Relations of the United States, Volume II

Memorandum of a Conversation

(WASHINGTON,) December 5,
1941

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The Ambassador said that the Japanese are alarmed over increasing naval and military preparations of the ABCD powers in the south-west Pacific area, and that an airplane of one of those countries had recently flown over Formosa. He said that our military men are very alert and enterprising and are known to believe in the principle that offense is the best defense. The Secretary asked whether the Ambassador's observations applied to defensive measures we are taking against Hitler. The Ambassador replied that he did not say that, but that it was because of Japan's apprehensions in regard to the situation that they had made their November 20 proposal.

.
J(OSPEH) W. B(ALLANTINE)

(Page 782)

not used

辯護側文書第一・四〇〇號一六一三

米國の對外關係第二卷拔萃

會談覺書

ワシントン、一九四一年、昭和十六年、十二月五日



大使は、日本人は西南太平洋地域に於けるABOD諸國の陸海軍備の増大に驚いて居り、又最近それらの國の中の一國の飛行機が臺灣上空を飛行したと語つた。同大使は、我國の軍人は非常に機敏、且冒險心に富んで居り且攻撃は最上の防禦であるといふ主義を信じて居ることを知つて居ると語つた。國務長官は、大使の所見は我々がヒトフリーに對して採りつゝある防禦手段に當てはおるかどうかを質問した。大使は、彼はその事を言つたのではなくて、日本がその十一月二十日の提議をしたのは時局に關して日本が憂慮して居る爲であるに答へた。

ジェロセフ、ダブリユー・ビーバーランタイン

一七八二頁

Def. Doc. 1400-G-4

Press Release Issued by the White House on
July 2, 1940

The President on July 2 signed H. R. 9850, providing legal authority for the control of exports from the United States of munitions, materials, and machinery essential to our national defense. A proclamation issued under this authority sets up the controls considered necessary at this time.

The items and materials listed in the proclamation include certain strategic materials as well as semi-finished products and machine tools of which there are actual or prospective shortages as a result of the national defense program.

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The President also signed and issued the following military order:

"The administration of section 6 of the act of Congress entitled 'An Act to expedite the strengthening of the national defense', approved July 2, 1940, is essentially a military function, and by virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, I hereby designate Lieutenant Colonel Russell L. Maxwell, U.S. Army, Administrator of Export Control to administer the provisions of the said section under the direction and supervision of the President as Commander-in-Chief of the Army and Navy of the United States.

"Franklin D. Roosevelt
"Commander-in-Chief

"The White House
"July 2, 1940"

Page 216

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Executive Order No. 8702, Signed by President Roosevelt,
March 4, 1941

Pursuant to the authority vested in me by the provisions of section 6 of the act of Congress approved July 2, 1940, entitled "An Act To expedite the strengthening of the national defense", I hereby prescribe the following additional regulations governing the exportation of the articles and materials named in my proclamation of March 4, 1941:

1. The articles and materials named in the said proclamation shall be construed to include the following:

- (1) Cadmium
Ores and concentrates
Metal
Alloys
Cadmium Salts and Compounds
Cadmium chloride
Cadmium oxide
Cadmium sulfate
Cadmium plating salts
Cadmium sulfide
Cadmium lithopong
- (2) Carbon Black:
Carbon black, including gas black
- (3) Coconut Oil:
Edible
Inedible
- (4) Copra
- (5) Cresylic Acid and Cresols
- (6) Fatty Acids produced from vegetable oils under export control
- (7) Glycerin
- (8) Palm-Kernel Oil and Palm Kernels:
Palm-Kernel Oil:
Edible
Inedible
Palm Kernels
- (9) Pine Oil
- (10) Petroleum Coke
- (11) Shellac
Lac, crude, seed, button, and stick
Unbleached shellac
Bleached shellac
- (12) Titanium
Ores and concentrates:
Ilmenite
Rutile
Metal
Alloys
Titanium Salts and Compounds:
Titanium dioxide
Titanium tetrachloride

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3. Regulations 2 to 12 inclusive of the regulations issued July 2, 1940, pursuant to section 6 of the act of July 2, 1940, are applicable to the exportation of the articles and materials listed in paragraph 1 (1)-(12).

4. Executive Order No. 8640 is hereby amended to include within its provisions the articles and materials named in my proclamation of March 4, 1941.

Franklin D. Roosevelt

The White House, March 4, 1941

Pages 255, 256, 257

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Memorandum of a Conversation

(WASHINGTON,) July 2, 1941.

Mr. Ballantine and Mr. Schmidt, who were later joined by Mr. Hamilton, called at the apartment of Colonel Iwakuro and Mr. Wikawa by arrangement^{51a} following an intimation . . . that the Japanese would like to meet us for further discussion.

In a plea for mutual confidence, Mr. Wikawa stated that he had learned recently that the banking firm of Morgan and Company in New York, which had control of a Japanese sinking fund to purchase Japanese Government bonds at a price favorable to Japan, had learned from sources within the State Department that these conversations had been very politely but firmly and on technical grounds closed by the United States and that the freezing of Japanese funds in the United States could be expected in the near future. Morgan and Company had accordingly begun the purchase of Japanese Government bonds indiscriminately and had forced the price of those bonds to rise considerably to the detriment of the Japanese Government's sinking fund. Mr. Wikawa said they were embarrassed by an implication in the Secretary's oral statement of June 21 of division within the Japanese Government.

M(AX) W. S(CHMIDT)

51a Mr. Matsudaira was also present.

Pages 495 - 499, Foreign Relations of the United States, Volume II.



Def. Doc. 1400-I-4

Regulations Governing the Exportation of Articles
and Materials Designated in the President's
Proclamation of July 2, 1940, Issued Pursuant to
the Provisions of Section 6 of the Act of Congress
Approved July 2, 1940

X X X X X X X X X X X X X X X X X

1. As used in my proclamation of July 26, 1940, issued pursuant to the provisions of section 6 of the Act of Congress approved July 2, 1940, and in these regulations, the following terms shall be construed as defined herein:

A. Petroleum Products -- (a) Aviation Motor Fuel, i.e. high octane gasolines, hydrocarbons, and hydrocarbon mixtures (including crude oils) boiling between 75° and 350° F. which with the addition of tetraethyl lead up to a total content of 3 c.c. per gallon will exceed 87 octane number by the A.S.T.M. Knock Test Method; or any material from which by commercial distillation there can be separated more than 3% of such gasoline, hydrocarbon or hydrocarbon mixture. (b) Aviation Lubricating Oil, i.e. any lubricating oil of 95 or more seconds Saybolt Universal Viscosity at 210° F. with a viscosity index of 85 or more.

B. Tetraethyl Lead -- Pure tetraethyl lead, ethyl fluid, or any mixture containing more than 3 c.c. of tetraethyl lead per gallon.

C. Iron and Steel Scrap -- Number 1 heavy melting scrap.

2. Regulations Nos. 2 to 12, inclusive, of the regulation issued on July 2, 1940, pursuant to the Act of July 2, 1940, are applicable to the exportation of aviation motor fuel, tetraethyl lead, and aviation lubricating oil.

Franklin D. Roosevelt

The White House, July 26, 1940

Pages 217, 218

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Proclamation No. 2423, Signed by President Roosevelt,
September 12, 1940

WHEREAS section 6 of the act of Congress entitled "An Act to expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

(Here follows the text of the act as quoted in proclamation No. 2413 of July 2, 1940, printed on page 211).

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after this date the following described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation No. 2413 of July 2, 1940, entitled "Administration of section 6 of the act entitled 'An Act to expedite the strengthening of the national defense' approved July 2, 1940," and in the regulations issued pursuant thereto:

1. Equipment (excluding minor component parts) which can be used, or adapted to use, for the production of aviation motor fuel from petroleum, petroleum products, hydrocarbons, or hydrocarbon mixtures, by processes involving chemical change; and any plans, specifications, or other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) useful in the design, construction, or operation of any such equipment, or in connection with any such processes. Aviation motor fuel shall mean such fuel as is defined in the regulations issued pursuant to Proclamation No. 2417 of July 26, 1940, as may from time to time be amended.

2. Equipment (excluding minor component parts) which can be used, or adapted to use, for the production of tetraethyl lead; and any plans, specifications, or other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) useful in the design, construction, or operation of any such equipment, or in connection with any such processes. Tetraethyl lead shall mean such tetraethyl lead as is defined in the regulations issued pursuant to Proclamation No. 2417 of July 26, 1940, as may from time to time be amended.

3. Plans, specifications, and other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) setting forth the design, or construction of aircraft or aircraft engines.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of
September in the year of our Lord nineteen
(Seal) hundred and forty, and of the Independence of
the United States of America the one hundred
and sixty-fifth.

By the President:
Cordell Hull
Secretary of State

Franklin D. Roosevelt

Pages 220, 221
Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11.

Not used

Def Doc 1400 I 3

辯護側文書一四〇〇一三

(ワシントン)一九四一年(昭和十六年)七月二日
會談覺書

バラントイン氏及びシュミット氏は後にハミルトン氏も加はつて岩
畔陸軍大佐及び井川氏の部屋(松井氏も列席した)を訪問した。これ
は日本側から更に協議のため吾々に會ひたいとの意同を通報して來て
打合せをしてゐたのである。

互に極秘に附して置きたいと言つて、井川氏の述べるには自分が最
近知つた所では、日本政府の國債を日本に好都合な價格で購入するた
め日本の減債基金の管理をしてゐる紐育の金融會社「モルガン」商會
が國務省内のある所の情報に依りこの會談が極めて鄭重に然し確乎と
して且つ又技術的理由により米國側から打ち切られたこと並に米國に
在る日本資金の凍結が近き將來に於て豫期されると言ふことを知つた



辯護側文書一四〇〇一三

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在る日本資金の凍結が近き將來に於て豫期されると言ふことを知つた



とのことである。それで「モルガン」商會は直に日本政府の國債を無差別に購入し始めたのでそれ等國債の價格を昂騰せしめ日本政府の減債基金に對して不利益な結果をもたらしめてゐるといふのである。六月二十一日の長官の口頭聲明で日本政府内の不和を暗示してゐるの
で困つてゐると井川氏は言つた。

エム（マックス）ダヴルニー、エス（シュミット）

米國外交關係第二卷四九五頁ヨリ四九九頁

Memorandum by the Ambassador in Japan (Grew)

(TOKYO,) July 27, 1941.

* * * * *

At this point the Minister again reverted to the resentment which was felt in Japan at the freezing of Japanese assets. I told him that I had little knowledge of the intention of my Government in regard to the administration of the Executive Order freezing Japanese assets but that I believed, against speaking unofficially and personally, that there might be considerable flexibility in the administration of the Order. * * * * *

* * * * *

J(OSEPH) C. G(REW)

Pages 534 - 537, Foreign Relations of the United States, Volume II.



Ref.

Ref Hoc #1400 J-3

辯護側文書一四〇〇一J一三

駐日大使（グルー）の覺書

（東京）昭和十六年七月二十七日

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此點に就て大臣は復々、日本資産の凍結に對して日本に於て憤怒の念を起してゐる事實を述べた。予は彼に告げて、日本資産凍結の大統領令施行に關する我國政府の意圖に就ては何も知つて居ないといふこと然し非公式に且つ個人的に云へば、本令の實施には相當の伸縮性があるだらうと信ずるものであると語つた。

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チエー（チヨセフ）。シー。デー（グルー）

「合衆國の對外關係」第二卷五三四一五三七頁より



The Japanese Embassy to the Department of
State

The Japanese Government has taken note of the Proclamation, dated July 26, 1940, by the President of the United States of America, for the administration of section 6 of the Act of Congress approved July 2, 1940, entitled, "An Act to expedite the strengthening of the national defense," and the Regulations, dated July 26, 1940, governing the exportation of articles and materials designated in the President's Proclamation of July 2, 1940, and the announcement of July 31 recommended by Colonel R. L. Maxwell, Administrator of Export Control.

The announcement of July 31, the introduction to which stated that it was issued with the approval of the President, is as follows:

"In the interests of the National Defense the export of aviation gasoline is being limited to nations of the Western Hemisphere, except where such gasoline is required elsewhere for the operations of American owned companies."

It is the understanding of the Japanese Government that the announcement expresses the policy to be followed by the Government of the United States in applying the above mentioned Proclamations and Regulations to the export of aviation gasoline and that that policy, by limiting the export destinations, is tantamount to an embargo on aviation gasoline so far as countries outside the Western Hemisphere are concerned. As a country whose import of American aviation gasoline is of immense volume, Japan would bear the brunt of the virtual embargo. The resultant impression would be that Japan had been singled out for and subjected to discriminatory treatment.

While reserving all rights of further action, the Government of Japan wishes to protest against the policy of the Government of the United States set forth in the announcement under review.

(Washington) August 3, 1940

Pages 218, 219

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11



Ref.

辯護側文書 一四〇〇—三—四

日本大使館ヨリ國務省へ



日本國政府ハ、一九四〇年七月二日國會ニヨリ可決セラレタル「國防強化促進條令」ト題シ法令第六節ノ施行ノ目的ヲ以テ公布セラレタル一九四〇年七月二十六日付アメリカ合衆國大統領ノ布告及ビ一九四〇年七月二日付大統領布告（並ニ、輸出統制行政官R・L・マツクスウェル大佐指度ノ七月三十一日付聲明）中ニ指定セラレタル物品及ビ原料ニ對スル一九四〇年七月二十六日付輸出取締規則、ヲ該承セリ

大統領ノ可決ヲ該發表スルモノナリトノ聲明ヲ附シタル七月三十一日付聲明次ノ如シ、

航空機用燃料ノ

一、國家防衛上輸出ハ、コレヲ西半球諸國ニノミ限リソノ他ニ於テハアメリカ人所有會社ノ經營ニ斯ルガソリンヲ必要トスル場合ノミ之ヲ許可スト
日本國政府ハ同聲明ハ合衆國政府ガ上記布告並ニ航空機用ガソリンノ輸出ニ對スル規則ヲ適用スベキ施行セントスル政策ヲ示スモノニシテ、同政策ハ輸出

出先ヲ制限スルコトニ依リ兩半球外ノ諸口ニ關スル限り航空機用ガソリン
ノ輸出禁止ヲナスニ等シイモノデアルト了確シテキル。アメリカヨリ莫大
量ノ航空機用ガソリン輸入國トシテ日本ハ事實上輸出禁止ノ矢面ニ立ツテ
アラウ。ソノ結果トシテ日本ハ差別待遇ノ對象且ツ犠牲トナルデアラウ
現在以トハ行動ニイツル限ニハ權利ヲ留保スル一方、日本國政府ハ本國輸入
ニ進ベラレタル合衆國政府ノ政策ニ對シ抗議センコトヲ欲スルモノデア
ル。

大藏省ハワシントン一九四〇年八月三日

二一八、一二一九頁

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日特「合衆國對外關係」日本本部一九三一年一月一日
市會ニ並ニ、輸出制限ヲ宣言ス。J. ママヤス 第三二卷より抜粋、頁三十一
月二十六日付マヤリ合衆國大藏省ハ亦書見、一六四〇年十一月二日付大藏省
與聯合「イロ」合衆國大藏省ハ亦書見、一六四〇年十一月二日付大藏省
日本國政府ハ、一六四〇年十一月二日付合衆國大藏省ハ亦書見、一六四〇年十一月二日付大藏省

日本大藏省より日特省へ

日特省文書 一四〇〇 一四〇〇



Not used

The Department of State to the Japanese Embassy...

X X X X X X X X X X X X X X X X X

The Government of the United States desires to state that the action under reference, as was mentioned in the proclamation issued by the President of the United States on July 26, 1940, referred to in the Japanese Embassy's note under acknowledgment, is necessary in the interest of the national defense and that, accordingly, this Government considers a protest by any foreign government against that action to be unwarranted.

Washington, August 9, 1940.

Pages 219,220

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11



not used

辯護側文書 一四〇〇—K—四

國務省ヨリ日本大使館へ

米合衆國政府ハ一九四〇年七月二十六日ノ合衆國大統領布告ニ提示セラレ
（近日受領ノ日本大使館ヨリノ電報中ニ指摘セラレタル行動ハ、國防上必
要デアリ、從ツテ本政府ハコノ行動ニ對シ如何ナル國ノ政府ガ抗議シヤカ
トモ之ヲ不當ナリト思惟スル旨ヲ達ベンコトヲ欲スルモノデアル

一九四〇年八月九日 二一九 二二〇頁

於 ワシントン

「合衆國對外關係」日本ノ部 一九三一 一九四一年 第二卷ヨリノ
抜萃



Press Release No. 48 Issued by the Federal Loan
Agency on September 25, 1940

Jesse Jones, Federal Loan Administrator, announced today that as a part of the National Defense program the Metals Reserve Company has agreed to buy from the National Resources Commission of China tungsten to the value of \$30,000,000. The tungsten will be delivered over a period of years at prices to be agreed upon from time to time, in accordance with market conditions, as the tungsten is delivered.

To assist China to meet her present foreign exchange needs the Export-Import Bank has agreed to lend China \$25,000,000 that will be liquidated through the sale of the tungsten. The loan will be made to the Government of China with the guarantee of the Central Bank of China.

December 15, 1938, the Bank authorized \$25,000,000 credits to the Universal Trading Corporation of New York, a Chinese-owned American corporation, which is being repaid through the importation from China of wood oil, used in the manufacture of paints and varnishes. \$20,840,000 of this authorization has been drawn, and \$2,993,444 repaid.

March 7, 1940, the Bank authorized additional loans to China of \$20,000,000 which is to be repaid through the importation from China of tin. Some tin is already being shipped.

Of all loans heretofore authorized to China, both by the RFC and the Export-Import Bank, \$43,824,528 has been disbursed and \$13,160,253 repaid, with nothing past due.

Page 222

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Ref.

建設資料 一四〇〇一M一四號

一九四〇年九月廿五日聯邦借款取扱局發行
新聞公表第四八號

聯邦借款管理入ジェス・ジョーンスは本日金庫保存會社が國防計畫の一部として支那の國家資源委員會より三千萬弗に値するタングステンを購買する事に同意したと通知した。同タングステンは數年に亘り供給され其價格は供給時の市場情況に從ひ其都度協定せらるゝ事になつてゐる。支那は現在外國爲替を欲求して居るので支那を救済する意味に於て、エキスポート・イムポルト銀行は支那に二千五百萬弗を貸附ける事に同意した。而して此借款はタングステンの賣却により清算される事になつて居る。本借款は支那中央銀行の保證により支那政府に對して爲さるべきものである。一九三八年十二月十五日同銀行は支那有にして亞米利加諸國たる紐育の一般貿易國に對し二千五百萬弗の信用貸附を許與した而して本銀は塗料及ワニス製造に使用せらるゝ樹脂を支那から輸入する事によつて償還される。



此許與額の内二千八十四万弗は已に振り出され、内二百九十九万三千四百四十四弗は已に償還された。

一九四〇年三月七日日本銀行は支那に二千五万弗の追加貸付を許與した而して此追加額は支那から購入する錫により償還する、事となつて居る。或錫は已に納付されつゝある。

Q B O 及エキスポート、イムポート銀行により是迄支那に許與された總ての借款の中で何れも支拂期満内に於て四千三百八十二万四千五百二十八弗は支出され又一千三百十六万二百五十三弗は償還された。

日本に於ける合衆國の外國關係より拔然

一九三一年—一九四一年第二卷二二二頁

Press Release Issued by the White House on
September 26, 1940

The President has approved the early establishment of additional controls of the exportation of iron and steel scrap with a view to conserving the available supply to meet the rapidly expanding requirements of the defense program in this country.

Effective October 15, 1940, all outstanding balances of licenses which have been granted pursuant to the existing regulations of July 26, 1940 for the exportation of No. 1 heavy melting steel scrap will be revoked. On October 16, 1940 the exportation of all grades of iron and steel scrap will be placed under the licensing system.

Under the new regulations which will be made effective on October 16, 1940, licenses will be issued to permit shipments to the countries of the Western Hemisphere and Great Britain only.

Pages 222, 223

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Excerpt from Foreign Relations of the United States
Japan: 1931-1941 Vol. II

Page 571

Memorandum by the Secretary of State

[Washington,] August 28, 1941

The Ambassador of Japan called on the President at the former's request. The Secretary of State was present. The Ambassador expressed his usual appreciation of certain courtesies and considerations shown him and his Government.

He then handed to the President a communication from the Prince Premier of Japan to the President of the United States (copy attached). The President read it with interest and complimented the tone and spirit of it.

The President then spoke somewhat as he did at the last meeting a week ago Sunday about the idea suggested by the Japanese Prime Minister of a personal meeting between the President and the Prime Minister at as early a date as possible for the purpose of having a frank discussion of all important affairs existing between the two countries. The President again spoke of the difficulty of going as far as Hawaii and elaborated on the reasons why it would be difficult to get away for twenty-one days. He then turned to Juneau, Alaska, as a meeting place, which would only require some fourteen or fifteen days, allowing for a three or four days conversation with the Japanese Prime Minister. The only point raised by the Ambassador in this connection was that the conversation be held as early as possible.

The Ambassador then handed to the President a communication from his Government in reply to the communication of the President to the Japanese Government, dated August 17, 1941 (copy attached). The President expressed his keen interest to get this reply and proceeded to read it. At two or three stages he stopped to comment briefly and, as he stated each time, study would later, of course, be given to the subject. For example, he remarked that there was nothing in the note to prevent the Japanese from reinforcing their Army and Navy in the Indochina area while the conversations were going on, even though there was no advance whatever by the Japanese forces. At another point he injected some oral comment to the effect that Japan is in no possible danger from Russia at the present time and he emphasized this very strongly. At still another point he referred critically to the Japanese oil complaints and their baseless nature. He then reminded the Ambassador that under the oil quota allowed Japan by this Government, Japan was in a position to have a number of tankers loaded with oil and transported to Japan if and when it so desired.

At the conclusion of the reading of the communication, the President said to the Ambassador that he could say to his Government that he considered this note a step forward and that he was very hopeful. He then added that he would be keenly interested in having three or four days with Prince Konoye, and again he mentioned Juneau.

C[ordell] H[ull]



not used

Def. Doc. #1400-N-6

辯護側書證第一四〇〇一N一六

衆國外交關係、日本一九三一年乃至一九四一年、第二卷よりの抜萃

五七一頁

國務長官の覺書

「ワシントン」一九四一年八月二八日

日本大使は大統領との面會を求め之を訪問した。國務長官が同席した。大使は彼並に吾國政府に與へられた好意と配慮とについて例の如く謝意を表明した。

ついで大使は、公爵たる日本の首相より合衆國大統領宛の通牒を大統領に手交した（寫添付せられあり）。大統領は右の通牒を興味を以て讀み、通牒の調子と精神を褒めた。

ついで大統領は、出來るだけ早く大統領と親しく會見し、日米兩國間に存在するすべての重要問題について卒直に話し合ひたいとの日本の首相の



提案に多少ふれたが、それは一週間前の日曜日に開かれた前回の會談に於けると同様であつた。大統領は再びハワイまで出むくことの困難について語り二十一日間留守にすることが困難なる理由を念入りに説明した。ついで大統領は會見の場所として日本の首相と三日乃至四日間會談するとしても猶十四、五日しか要らぬアラスカのジュノーに話を向けた。此點について大使が提起した問題は會談は出来るだけ早目に開かれるべきだといふことだけであつた。

それから大使は一九四一年八月十七日付の大統領より日本政府宛の通牒に對する回答として自國政府の通牒を大統領に手交した。大統領はこの回答を得て強い關心を表明しそれを讀み始めた。二、三度大統領は讀むのを止めて手みじかに意見を述べ、且つての度毎に大統領が口にしたことは、問題は勿論後程よく研究してみようといふことであつた。例へば大統領曰く、

この通牒には會談が進行中、よし進撃がないにせよ、日本陸海軍の印度支那方面の増援を抑えるものは何もないと。も一つの點に於て大統領は日本は現在ロシアから脅威を受けることはないであらうといふ意味の

意見を導き、この點を極めて強く力説した。尙もう一つの點に於て大統領は日本のいふ石油に關する苦情とその苦情が根據なきものであることを批評した。

ついで大統領は大使に次のことを喚起させた、即ち合衆國政府が日本に許してゐる石油割當の條件下では日本は希望をへすれば多くの油槽船に石油を積載して自國へ輸送することが出来るのであることを。

この通牒を讀みをはつた際、大統領は自分はこの通牒を一步前進したものと考え、大いに希望が持てる旨を自分の政府に告げることが出来る。と大使に語つた。ついで大統領は更に自分は近衛公と三、四日を共にすることになく興味をもつてゐるとつけ加へ再びジュノーのことを口にした。

コ「ीडер」ハ「ル」

The Japanese Embassy to the Department of State

No. 235

The Japanese Government has taken note of the regulations governing the exportation of iron and steel scrap, dated September 30, 1940, amending the construction and definition of the term "iron and steel scrap" included in the regulations of July 26, 1940, and the announcement of September 26, 1940, to the effect that, under the new regulations, licenses will be issued to permit shipments to the countries of the Western Hemisphere and Great Britain only.

The above mentioned regulations refer to the Presidential authority derived from the provisions of section 6 of the Act of Congress approved July 2, 1940, entitled, "An Act to expedite the strengthening of the national defense", thereby suggesting that it was determined to be necessary in the interest of national defense to curtail the exportation of iron and steel scrap.

In view of the situation of iron and steel scrap markets, the supply and demand of these materials and the volume shipped to Japan, the Japanese Government finds it difficult to concede that this measure was motivated solely by the interest of national defense of the United States.

In the note of the Japanese Ambassador of August 3 the Japanese Government pointed out that the measure announced on July 26, 1940, in regard to the exportation of aviation gasoline, was tantamount to an export embargo as far as countries outside the Western Hemisphere were concerned. Compared to that announcement, the announcement under review may be said to have gone a step further toward discrimination by specifically excluding Great Britain from the virtual embargo.

In view of the fact that Japan has been for some years the principal buyer of American iron and steel scrap, the announcement of the administrative policy, as well as the regulations establishing license system in iron and steel scrap cannot fail to be regarded as directed against Japan, and, as such, to be an unfriendly act.

The Japanese Government hereby protests against the measures taken by the United States Government in connection with the exportation of iron and steel scrap.

(Washington) October 7, 1940

Pages 224-225

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

辯護文書第一四〇〇

P

四

國務省宛

日本大使

第二三五號

日本政府は一九四〇年（昭和十五年）七月二十五日の規定の中にある「鐵鋼屑」なる言葉の解釋及び定義に修正を加へたる一九四〇（昭和十五年）九月三十日附「鐵鋼屑輸出に關する規定及び」新規定では、許可は西半球の諸國家及び英國に對する積出のみを認める様之を發する」といふ趣旨の一九四〇年（昭和十五年）九月二十六日附の發令に注目するものである。

上述の規定は「國防強化促進に關する條令」と題する一九四〇年（昭和十五年）七月二日に可決された法律第六部の條項に由る大統領の權限に關するものであつて、それによれば國防の爲めに鐵鋼屑の輸出禁止が必要なりと決定された事を暗示するものである。

鐵鋼屑市場、此等物資の需給、並びに日本に送くる物資量等の狀勢よりみて、日本政府は此の措置が單にアメリカの國防的關心にのみその動機を



發したるものと認める事は困難である。

八月三日の日本大使の覺書に於て、日本政府は航空機用ガソリンの輸出に關し一九四〇年（昭和十五年）七月二十六日に發表せられたる措置は西半球外の諸國家に關する限り、輸出禁止にも等しいものである事を指摘してある。

前の發表と比較し、修正したるこの發表は、特別に英國を事實上の禁止から除外する事によつて更に一步進んで差別的な措置に出たるものと言ひ得るであらう

日本が三數年に亘りアメリカの鐵鋼屑の主たる買手であつたといふ事實に鑑み、かかる行政政策の發表は鐵鋼屑の認可制を確定する規定と同様、日本を目標としたものと考へざるを得ない、それ故又非友誼的の行爲といはざるを得ない。

日本政府はこゝに鐵鋼屑輸出に關聯、アメリカ政府のとられたる措置に對し抗議を申込むものである。

（ワシントン——一九四〇年（昭和十五年）十月七日 二三四頁—二三五頁）
米國、日本……等の對外關係より拔萃 一九三一—一九四一 第二卷

Memorandum by the Chief of the Division of Far
Eastern Affairs (Hamilton)

(Washington), July 30, 1941

I telephoned Mr. Iguchi of the Japanese Embassy and, referring to his call yesterday and the questions he then raised in regard to cargo aboard the *Maruta Maru*, told him I wished, under instruction, to supplement information communicated by Mr. Welles to the Ambassador this morning when the Ambassador raised the question of the treatment of cargo on board Japanese vessels. I referred to the fact that Mr. Welles had informed the Ambassador that no assurances could be given in regard to whether funds would be released or would not be released to cover any cargo landed from such ships and that applications for licenses would be given appropriate consideration if and as they were individually presented. I said that we understood that the Treasury Department was making arrangements whereby Japanese ships, if they did not wish to discharge their cargo, would be granted clearances and permitted to sail with cargo aboard. I told Mr. Iguchi that I understood that the Treasury Department was communicating information to the foregoing effect to the agents or owners of the Japanese steamship companies in this country.

Mr. Iguchi thanked me for communicating the foregoing information to him and said that he would bring it to the attention of the Ambassador.

Later, following conference with Mr. Acheson and conference by Mr. Acheson with Mr. Foley of the Treasury Department, I telephoned Mr. Iguchi and told him that I wished to give him further information on two points: I said that the first point was that the provision to the effect that Japanese ships could, if they desired, enter American ports and leave without discharging cargoes applies only to Japanese ships coming in before next Saturday (August 2), midnight. I explained that ships coming in before that date and desiring to leave without discharging cargoes would be given a reasonable time to leave. I said that the second point was that if a Japanese ship's manifest showed that cargo aboard the ship was destined to an American port and the ship did not wish to discharge that cargo upon arrival at an American port, the ship should correct the manifest at sea to show that no cargo was destined for discharge at an American port. I told Mr. Iguchi also that if the Japanese Embassy wished further particulars on and clarification of these matters, an officer of the Embassy might care to get in touch with the Commissioner of Customs at the Treasury Department.

I went over the foregoing twice with Mr. Iguchi and he said that he understood.

Maxwell M. Hamilton

Pages 269, 270

保護側文書一四〇〇一P一五

郵東部長ハミルトンの電



一九四一年「昭和十六年七月三十日」ツシヤン

私は日米大使館の井口氏に電話をし、昨日の彼の訪問及びその時龍田丸の積荷について彼のとりあげた問題に言及して、今朝大使が日米船舶の積荷の取扱問題を持出した際ウエルズ氏より大使宛傳達された通告を訓令に基いて精査したい旨申述べた。私は次の事實に言及した、即ち船舶から陸揚げされる貨物に保険をつける爲に資金が免除されるか否やについては何等の保障を與える事は出来ないと言ふ事及びその許可申請が個々に提出される場合適宜に考慮するといふ事をウエルズ氏が大使宛通告したといふ事である。我々の了解する所では日米船舶がその積荷の陸揚げを希望しなれば大蔵省は出港免狀を與へ、又積荷を積んだまゝ、出航を許可する態手配中であると述べた。

私は、「大蔵省は前記の趣旨について我國にある日本汽船会社の代理店或は所有者にも通告を傳達してあると思ふ」と井口氏に告げた。

井口氏は先に述べた彼宛の通告傳達に感謝し、大使にもその事を傳へ留
 意せしむる旨申述べた。その後、アテソンとの協議及びアテソン氏と大蔵
 省のフオレイ氏との協議の結果、私は井口氏に電話し、更に次の二點につ
 いて通告を與へたいと彼に傳へた。その第一の點は、日本の船隻が、若し
 希望なれば、アメリカの港に入港し、積荷を陸揚げする事なく出港する事
 を得たいと規定は、英領の土曜日（八月二日）の真夜中以前に入港する日
 本船舶に限り適用され、といふ事である。更に之を説明して、その期日前
 に入港し、積荷を陸揚げせずして出港希望の日本船舶には通常は出港の区
 間を與へる旨申述べた。第二の點は若し日本船の積荷目録ではその船の貨
 物がアメリカの港向になつて居て、しかもその船がアメリカの港に到着し
 た時にその積荷を陸揚げする事を希望せざる場合には、海上にてその積荷
 目録を訂正し、積荷がアメリカの港にて陸揚げのものにあらざる旨を示さべ
 き事である。又若し日本大使館にて此等の點に關し、更にその詳細及び説
 明を希望なれば、大蔵省關稅事務官と聯絡せられた事も井口氏に傳へた。
 私は前述の事につき繰返し二回井口氏に述べ、彼も了知したと述べた。

Def. Doc. # 1400-P-5

二六九一二七〇頁

アメリカの對外國係、日本一九三一年（昭和六年）一九四一年（昭和十六年）第二卷よりの抜萃

マックスウェル・エム・ハミルトン

Excerpt from Foreign Relations of the United States
Japan: 1931-1941 Vol. II

Page 604

Memorandum by the Ambassador in Japan (Grew)

[Tokyo,] September 6, 1941

This evening the Prime Minister invited me to dine at a private house of a friend. Only Mr. Dooman and Mr. Ushiba, the Prime Minister's private secretary, were also present. The conversation lasted for three hours and we presented with entire frankness the fundamental views of our two countries. The Prime Minister requested that his statements be transmitted personally to the President in the belief that they might amplify and clarify the approach through diplomatic channels which he had made in Washington through Admiral Nomura. The following is a brief summary of the salient points as they emerged in the course of our discussion.

1. Prince Konoye, and consequently the Government of Japan, conclusively and wholeheartedly agree with the four principles enunciated by the Secretary of State as a basis for the rehabilitation of relations between the United States and Japan.

2. Prince Konoye recognizes that the responsibility is his for the present regrettable state of relations between our two countries but, with appropriate modesty as to his personal capabilities, he likewise recognizes that only he can cause the desired rehabilitation to come about. In the event of failure on his part no succeeding Prime Minister, at least during his own lifetime, could achieve the results desired. Prince Konoye is therefore determined to spare no effort, despite all elements and factors opposing him, to crown his present endeavors with success.

3. The Prime Minister hopes that as a result of the commitments which the Japanese Government is prepared to assume as communicated to me by Admiral Toyoda, a rational basis has been established for a meeting between the President and himself. The Prime Minister, however, is cognizant of the fact that certain points may need clarification and more precise formulation, and he is confident that the divergencies in view can be reconciled to our mutual satisfaction, particularly by reason of the favorable disposition on the part of Japanese naval and military leaders who have not only subscribed to his proposals but who will also be represented at the suggested meeting. The Prime Minister stated that both the Ministers of War and of the Navy have given their full agreement to his proposals to the United States.

4. The reports which the Prime Minister has received from the Japanese Ambassador concerning the latter's conversations with the President and the Secretary have led the Prime Minister to think that the Administration in Washington entertains serious doubts as to the strength of the present Cabinet and that the Administration is not certain that in the event that the Cabinet should adopt a peaceful program it could successfully resist the attacks of opposing elements. Prince Konoye told me that from the inception of the informal talks in Washington he had received the strongest concurrence from the responsible chiefs of both the Army and the Navy. Only today he had conferred with the Minister of War who had promised to send a full General to accompany the Prime Minister to the meeting with the President; the Minister of the Navy had agreed that a full Admiral should accompany the Prime Minister. Prince Konoye added in confidence

that he expected that the representative of the Navy would probably be Admiral Yoshida, a former Minister of the Navy. In addition the Premier would be accompanied by the Vice Chiefs of Staff of the Army and the Navy and other high ranking officers of the armed services who are in entire accord with his aims. He admitted that there are certain elements within the armed forces who do not approve his policies, but he voiced the conviction that since he had the full support of the responsible chiefs of the Army and Navy it would be possible for him to put down and control any opposition which might develop among these elements.

5. Prince Konoye repeatedly stressed the view that time is of the essence. It might take half a year to a year to work out all the details of the complete settlement and since resentment is daily mounting in Japan over the economic pressure being exerted by other countries, he could not guarantee to put into effect any such program of settlement six months or a year from now. He does, however, guarantee that at the present time he can carry with him the Japanese people to the goal which he has selected and that should difficulties be encountered in working out the details of the commitments which he may assume, these difficulties can be overcome satisfactorily because of the determined intention of his Government to see to it that its present efforts are fully successful.

6. In the course of our discussion I outlined in general terms the bitter lessons of the past to our Government as the result of the failure of the Japanese Government to honor the promises given to me by former Japanese Ministers for Foreign Affairs apparently in all sincerity, as a result of which the Government of the United States had at long last concluded that it must place its reliance on actions and facts and not on Japanese promises or assurances. The Prime Minister did not attempt to refute this statement but stressed the fact that his Government now wished to bring about a thoroughgoing reconstruction of American-Japanese relations and he assured me that any commitments which he would undertake would bear no resemblance to the "irresponsible" assurances which we had received in the past and that such commitments if given would be observed. The Prime Minister concluded his presentation of this point by giving me to understand that given the will the way can be found.

7. Prince Konoye stated that should the President desire to communicate any kind of suggestion to him personally and confidentially he would be glad to arrange subsequent secret meetings with me, but he expressed the earnest hope that in view of the present internal situation in Japan the projected meeting with the President could be arranged with the least possible delay. Prince Konoye feels confident that all problems and questions at issue can be disposed of to our mutual satisfaction during the meeting with the President, and he ended our conversation with the statement that he is determined to bring to a successful conclusion the proposed reconstruction of relations with the United States regardless of cost or personal risk.



J[osc] 7 C. G[rew]

辯護側文書第一四〇〇一P一六

合衆國外交關係對日本關係一九三一年—一九四一年、第二卷ヨリ
ノ拔萃

第六〇四頁

駐日大使（グルー）ノ覺書

一九四一年九月六日、東京

今夕總理大臣ハ友人ノ私宅ニ於ケル晚餐ニ私ヲ招待シタ。ドーマン氏ト
首相ノ秘書ノ牛場氏ダケガ同様ニ出席シタ。我々ノ談話ハ三時間ニ亘リ
日米兩國ニ就イテノ根本的意見ヲ極メテ卒直ニ語り合ツタ。
首相ハ彼ノ述ベルコトガ野村大將ヲ通ジテ今「ワシントン」ニ於テ外交
手段ニ依リ行ツテ居ル交渉ヲ擴充 闡明スルト信ズルカラ、ソレヲ親
シク大統領ヘ個人的ニ傳達シテ欲シイト要請シタ。以下ハ我々ノ談話中
話題ニ上ツタ顯著ナ點ノ概要デアル。
一、近衛公、從ツテ日本政府ハ日米關係回復ノ基礎トシテ國務長官ノ舉ゲ
タ四原則ニ絶對的且ツ全面的ニ贊意ヲ表スル。



ニ近衛公ハ兩國關係ノ現在ノ遺憾ナ狀態ニ對シ責任ハ自分ニアルコトヲ認メテ居ルガ同時ニ又彼ノ個人的ノ能力ニツイテ謙遜シナガラモ、待望ノ國交回復ヲ招來シ得ルモノハ彼ノミデアルトイフ事モ認メテ居ル万一彼ガ失敗シタ場合ニハ、少クトモ彼ノ生涯中ニハ如何ナル後繼首相モ所期ノ結果ヲ達成シ得ナイデアラウ。故ニ近衛公ハ多クノ反對分子ガアルニモ拘ラズ、彼ノ努力ヲ成功ニ導クタメニアラユル手段ヲ盡サウト決心シテ居ル。

三、首相ハ、豐田大將カラ私ニ傳ヘラレタ様ニ日本政府ガ言質ヲ實行スル積リデ居ル結果トシテ大統領ト近衛公ノ會見ノ合理的ナ基礎ガ築カレタコトヲ期待シタ。併シ首相ハ或ル點ヲ闡明シ一層明確ニ規定スルコトガ必要ダト云フ事實ヲ認メテ居リ、意見ノ相違ガアツテモ、殊ニ陸海軍ノ指導者ガ彼ノ提案ニ賛意ヲ表シタノミナラズ、右會見ニ代表ヲ送ルコトニナツテ居ルカラ、相互ニ満足スル様一致點ヲ見出スコトガ出來ルデアラウト確信シテ居ル。

四、日本ノ駐米大使カラ首相ヘ送ラレタ大統領及ビ長官トノ會見ニ關スル

報告ヲ讀ンデ首相ハ、「ワシントン」政府ガ現内閣ノ力ニ相當疑念ヲ抱キ、内閣ガ平和の方針ヲ採ツタ場合ニモ反對分子ノ攻撃ニ抵抗シ得ルカドウカラ怪シンデ居ルト考ヘルニ至ツタ。近衛公ハ私ニ、「ワシントン」ノ非公式會談ノ當初カラ陸海軍ノ責任アル主腦者カラ強イ贊同ヲ得タト述ベタ。丁度今日彼ハ陸相ト會談シ、陸相ハ公ガ「ワシントン」ヘ大統領トノ會見ニ出掛ケル際ニハ陸軍大將ヲ隨行サセルコトヲ約束シタノデアツタ。海相モ海軍大將ヲ首相ニ隨伴サセルコトニ同意シタ。首相ハ海軍代表ハ多分前海相ノ吉田大將デアラウト打明ケテ附加ヘタ。更ニ首相ハ陸軍參謀長、海軍軍令部次長、其ノ他彼ノ目的ヲ全面的ニ支持スル軍部ノ高級將校ヲ帶同スルデアラウト云ツタ。公ハ軍部内ニハ、公ノ政策ニ贊成シナイ分子ガアルコトヲ認メタガ、陸海軍ノ責任アル首腦者ノ全面的支持ヲ得テ居ルノデ、之レ等ノ分子間ニ發生スベキ如何ナル反對ヲモ抑制スルコトガ出來ルト確信スル旨述ベタ。

五 近衛公ハ時ガ問題解決ノ根本要素デアルト繰返ヘシ強調シタ。總テ
 ノ細イ點マデモ完全ニ解決スルニハ半年カラ一年ハカ、ルカモ知レ
 ズ、日本デハ他國ノ經濟的壓迫ニ對スル憤激ガ日毎ニ高マツテ居ル
 ノデ、今カラ半年或ハ一年ノウチニソノ様ナ解決策ノ實行ハ保證出
 來ナイ。併シナガラ今ナラバ公ノ選シタ目標ヘ日本國民ヲ引ツバツ
 テ行キ、公ガ言質ヲ與ヘタ行動ノ具體的實行ニ當リ困難ニ直面シテ
 モソノ困難ハ現在ノ努力ヲ飽ク迄テ成功サセヨウトスル日本ノ固イ
 決心ニヨツテ立派ニ克服シ得ルコトヲ保證スルト公ハミツタ。

六 話ノ進行中、私ハ一般的ナ言葉テ、日本ノ過去ノ外相ガ少クトモ外
 面的ニハ誠意ヲ以テ私ニ約束シタ事ヲ日本政府ガ守ラナカッタ結果
 我ガ政府ニトツテ苦イ教訓ニナツタ事ヲ述ベ其ノ結果遂ニ合衆國政
 府ハ日本政府ノ約束ヤ保證ヲ當テニセズ行動ヤ事實ヲ信賴スベキダ
 ト云フ結論ニ達シタト述ベタ。

首相ハコノ私ノ言葉ニ反駁ヲ試ミナカッタガ、彼ノ政府ガ今日米關
 係ノ回復ヲ徹底的ニ行ハウト欲シテ居ルコトヲ強調シ、彼ノ與フル

言質ハ過去ニ於テ我々ノ受ケタ「無責任」ヲ保證ト同ジモノデハナ
ク、言質ガ與ヘラレレバ必ズソレハ守ルト確言シタ。首相ハ此ノ點
ニツイテ述べタ後實行ノ意志ガアレバ實行ノ道モ必ズ見出サレル、
ト私ニ告ゲテ言棄ヲ結ンダ。

近衛公ハ若シ大統領ガ何カ個人的ニ内密ニ提案スルコトガアレバ喜
ンデ今後モ私ト秘密ノ會見ヲ行フト述べタガ、日本ノ國內狀勢ニ鑑
ミ、大統領トノ會見ハ成ルベク早ク行ヒタイトノ熱心ナ希望ヲ表明
シタ。近衛公ハ凡テノ問題ヤ疑問ハ大統領トノ會見ニ於テ相互ニ満
足スル様解決出來ルト確信スル旨述べタ。ソシテ最後ニ如何ナル犠
牲ヲ拂ツテモ亦一身上ノ危險ヲ冒シテモ、合衆國トノ關係回復ヲ成
功サセル決心ダト述べテ會談ヲ終ヘタ。

ジョセフ。シー。グルー



The Japanese Embassy to the Department of State ²¹

Since iron and steel scrap classified as No. 1 heavy melting scrap was placed under export-licensing system on July 26, 1940, permission of the United States Government was obtained up to August 19 of the same year for 99 percent of applications for shipments to Japan.

In the light of this fact, the sudden enlargement of the iron and steel scrap licensing system to include all grades of these materials is hardly explicable from the standpoint of national defense, on which the regulation of September 30, 1940, is purported to be based.

The discriminatory feature of the announcement, that licenses will be issued to permit shipments to the countries of the Western Hemisphere and Great Britain only, has created a widespread impression in Japan that it was motivated by a desire to bring pressure upon her.

The fact that the majority of essential articles and materials that Japan desires to import from America is placed under licensing system is causing a feeling of tension among the people of Japan, who naturally presume that the system is intended to be a precursor of severance of economic relations between Japan and the United States.

In view of the high feeling in Japan it is apprehended that, in the event of continuation by the United States Government of the present attitude toward Japan in matters of trade restriction, especially if it leads to the imposition of further measures of curtailment, future relations between Japan and the United States will be unpredictable.

It is a matter of course that the Governments of both Japan and the United States should endeavor as best they can to preclude such an eventuality. To this endeavor the Japanese Government will devote itself and trusts that it may have the full cooperation of the United States Government.

Pages 224, 225

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

²¹This undated statement was handed to the Secretary of State by the Japanese Ambassador on October 8, 1940.

not used

Def. Doc. No. 1400-Q-4

總領事文書一四〇〇一四

日本大使館ヨリ國務省宛



第一重金屬熔解屑として分類された鉛及銅鑄屑が一九四〇年（昭和十五年）七月二十六日輸出認可制度下に置かれて以來、同年八月十九日迄日本向積荷申請の九九％に對しては米國政府の許可が得られた。この事實に照し、鉛及銅鑄屑認可制を突然撤止し之無効とゆる等級の材料を含ませるに至つた事は一九四〇年（昭和十五年）九月三十日の條例が據つて立つべく意圖された國防の見地からは説明しがたい。

西半球諸國及英國に對してのみ積荷の許可が下りると云ふ差別的特色を有する布告は日本にそれが日本壓迫の欲望に出づるものといふやうな一般的印象をもたらした。

日本が米國より輸入を希望する必需物品及材料の大部が認可制度下に置かれるに至つた事實は日本人の間に緊迫感を生ぜしめてゐる。

彼等は此の制度が當然日米の經濟關係を隔離せしめる前兆たるべく企圖せられたものと推察してゐる。

日本に於ける苛立つた感情の動きに鑑み米國政府が貿易制限問題に關し日本に對し現在の如き態度を維持する場合、特に若し更に一層の削減が加へられるならば將來の日米關係は斷定しかたいものとなるであらう。

日米兩國政府が斯くの如き不測の事件を防止する爲めらの爲しうる最善の努力をなすべきは當然である。日本政府はこの努力に向ひ獻身するであらう而して之が米國政府の協力を齎すものと信ずる。

合衆國對外關係—日本—一九三一年（昭和六年）—一九四一年

（昭和十六年）第二卷二二四、二二五頁より抜萃

之の無日附ステートメントは一九四〇年（昭和十五年）十月八日日本大使より國務長官に手交されたものである。



Memorandum by the Assistant Secretary of State
(Acheson)

(Washington), August 1, 1941

Mr. Iguchi called at his request. He told me that the Tatuta Maru would require some cargo to ballast her for the return trip to Japan. I said that I had already been in touch with counsel for the N.Y.K. on this matter and that it would be promptly taken care of within the limits of the export restrictions. He expressed his appreciation.

(At a meeting of the Office of the Administrator of Export Control, Treasury, and State Department officials held in this office, Saturday afternoon licenses were granted for the cargo requested, with the exception that lubricating oil requested was restricted within the specifications announced by General Maxwell on Saturday. The cargo chiefly consisted of asphalt and a small quantity of cocoa beans and cotton).

Mr. Iguchi asked whether the time limit referred to by Mr. Hamilton within which ships might come in with cargo and leave with the same cargo implied that after midnight Saturday Japanese ships would be detained. I said that it did not. I explained that the time limit referred solely to the agreement that ships outside American ports with cargo might come in with the cargo and leave with it without hindrance from the Treasury. I pointed out that this assurance, as a practical matter, was no longer important because of the action of private parties in filing libel suits.

I stated to Mr. Iguchi, as I had been instructed to do by the Acting Secretary, that under present conditions this Government had no intention of interfering with Japanese ships; that such ships might come in, might discharge cargo consigned to American ports, would be granted sufficient supplies and fuel for the return voyage and would be given clearance and departure permits. I cautioned him again that on account of libels filed against cargoes it was not possible to give any assurance regarding the cargoes. I also pointed out that the assurance of freedom of departure was predicated on the continuance of existing conditions. He said that he earnestly hoped that there would be no change in these conditions for the worse.

D(ean) A(cheson)

Pages 271, 272

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 12

辯護側文書一四〇〇一〇一五

國府次官覚書 (アテソン)

(華盛頓) 一九四一年 (昭和十六年) 八月一日

先方よりの求めにより井口氏來訪、渡田丸日本に歸航の爲めバラストとして若干の貨物必要なる旨語つた。予は本件に就ては既に日本郵船會社法律顧問と連絡を了したと、且本問題に輸出制限の範圍内で早急に處置せられるであらうと語つた。井口氏は感謝の意を表した。

（土曜日の午後、當所に於て開催した輸出管理官事務所員、大蔵省官吏、國務省官吏の會議に於て要求のあつた潤滑油を除き請求貨物に對し特許給が認可された、潤滑油は去る土曜日マックスウエル將軍に依り發表せられた仕様書の範圍内に制限せられた。貨物は主にアスファルトと少量のココアの實と棉花であつた。）

井口氏はハミルトン氏から話のあつた船舶が貨物を搭載して入港し同じ貨物をもつて出帆し得る時間制限といふものは土曜日の夜半以後日本船舶は抑留せられるといふことになるかどうかと尋ねた。予は然らずと答



Ref.

Def Doc # 1400-Q-5

へた。予は時間制限なるものは單に貨物を搭載して亞米利加港海外にある船舶が大蔵省より何等妨害せらるゝところなく其の貨物を搭載して入港し其貨物を搭載して出港し得る協定に關するものであると説明した。予は又此の保證は民間國体の訴訟罪提訴により實際問題として最早や重要でなくなつたことを指摘した。

又予は國務長官代理より命ぜられて居たので、現狀勢下に於て當政府は日本船を妨害する意思なきこと、入港し亞米利加諸港仕向貨物を揚卸しする船舶は復航に要する船用品及燃料を充分に補給せらるべく又出港免狀と出港許可證とを交付せらるべきことを井口氏に述べた。予は又繰返し貨物に對し訴訟の提訴がなされた爲めに貨物に關して何とも保證出來ないと言明した。予は更に出港自由の保證は現在の狀態が繼續することを中心として與えた旨述べたところ井口氏は現狀が悪變することなき様切に希望する旨語つた。

D A (ディーン・アチソン)

合衆國對外關係——日本

一九三一年（昭和六年）——一九四一年（昭和十六年）

第二卷 二七一——二七二頁より抜萃

Press Release Issued by the White House on
October 15, 1940

The President on October 10 approved an act which confers on him authority to requisition arms, ammunition, implements of war, machine tools, and other articles and materials which are needed for the national defense.

Under the Neutrality Acts of 1935, 1936, 1937, and 1939, and under the Export Control Act of July 2, 1940, certain articles and materials needed for the national defense have been subject to the export-licensing system. Since the passage of the last-named act, many applications for licenses have been refused as a result of decisions by the Administrator of Export Control that the proposed exportation would be contrary to the interests of the national defense. The articles or materials for which export licenses have been refused have in many cases already been sold and the title has passed to a foreign purchaser. It has been found that, in some of these cases, purchasers did not desire to sell the article or material in the United States or, because they were acting in a representative capacity, they were not legally in a position to do so. This situation has been particularly acute in the case of some exportations of machine tools. A great many of these tools for which export licenses have been refused are especially needed to meet national-defense requirements.

The President on October 15 issued an Executive order directing the Secretary of War and the Secretary of the Navy, acting jointly through the agency of the Army and Navy Munitions Board, to determine the necessity for the requisitioning of any equipment, munitions, or machinery tools, materials, or supplies necessary for the manufacture of munitions, or the servicing, or operation of facilities for the national defense, and to determine whether in any case it is in the public interest to sell, or otherwise dispose of, any of the articles and materials so requisitioned. The administration of the other provisions of the act has been vested in the Administrator of Export Control.

The President at the same time issued the necessary regulations for the carrying out of his Executive order.

As a result of his approval of this act and the issuance of this Executive order and these regulations, the President is assured the use of the critical articles and materials required in the national-defense program which might otherwise be unobtainable.

Pages 228, 229

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Ref

The Department of State to the Japanese Embassy

Reference is made to the note dated October 7, 1940, from the Japanese Embassy at Washington, in which objection is expressed by the Japanese Government to the regulations promulgated by the American Government on September 30, 1940, with regard to the exportation of iron and steel scrap, such objection being placed apparently on the ground that the restrictions to be effected by the regulations are discriminatory and are calculated to be injurious to Japan.

As was pointed out in the first paragraph of the Japanese Embassy's note, the regulations under reference derive from the provisions of section 6 of the Act of Congress approved July 2, 1940 entitled "An Act to expedite the strengthening of the national defense". It having been found by the appropriate agencies and authorities of this Government that the restrictions on exportation to be effected by the regulations under reference are necessary in the interest of national defense, the Government of the United States perceives no warrantable basis for a raising of question by any other government, in the circumstances -- not of this Government's making -- which prevail today in international relations, with regard to the considerations which necessitate the adoption by this Government of these measures of conservation.

Washington, October 23, 1940

Page 229

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11



Ref.

Def. Doc. No. 1400-S-4

總領事文書一四〇〇一五一四

在ワシントン日本大使館ヨリ

在ワシントン日本大使館ヨリ一九四〇年昭和十五年十月七日付文書ニ
對スル照會アリ。該文書ハ及銅屑ノ輸出ニ關シ一九四〇年昭和十五年
九月三十日米國政府ニヨツテ公布サレタ附規則ニ對スル日本政府ノ異議
ガ記載サレアリ。所カル異議ハ明ラカニコレラノ規則ニヨツテ廢ラサレ
タ制限ガ日本ニトツテ有等ナ差別則ノ又ハ故憲ニナサレタモノデアルト
イフ點ニ立脚スルモノデアル。

日本大使館文書ノ第一節ニ指稱サレテキル如ク照會中ノ規則ハ一九四〇
年昭和十五年七月二日承認ヲ經タル「國防法促進法」ト稱スル合衆國
ノ法律第六頁ノ原文ニ由來スルモノデアル。

照會中ノ附規則ニヨリ賣サレル輸出制限ハ國防上ノ利益カラシテ必要デ
アルトイフコトガ本政府ノ相當ナル代理又ハ權威ニヨツテ認メラレタノ
デアツテ今日國際關係ニミラレル情勢カラソレハ本政府ノ惹起シタモ
ノデハナイガ所カル保守的手段ノ本政府ニヨル採用ガ必要デアルトスル



考慮ニ併ミ合衆國政府ハ他ノ如何ナル政府ヨリノ提議ニ對シテモ何ラコレヲ是認スベキモノヲ認メナイ。

ワシントン。一九四〇年（昭和十五年）十月二十三日

合衆國對外國部——日本——

一九三一年（昭和十六年）——一九四一年（昭和十六年）

第二卷二二九頁ヨリ抜萃

Excerpt from Foreign Relations of the United States
Japan: 1931-1941 Vol. II

Page 645

The Ambassador in Japan (Grew) to the Secretary
of State

[Substance]

Tokyo, September 29, 1941 - noon.
[Received 2:25 P.M.]

1529. The Ambassador reports for Secretary Hull and Under
Secretary Welles as follows:

(1) In regard to the preliminary conversations taking place
at Washington and Tokyo, the Ambassador points out that a review
of telegraphic correspondence on this subject since last spring
reveals the Japanese Government's efforts, increasing steadily
and intensified lately, to arrange a meeting between Prince
Konoye and President Roosevelt without further delay.

.

.The Ambassador expresses his earnest hope therefore that so
propitious a period be not permitted to slip by without a new
foundation having been laid with enough stability to warrant a
reasonable amount of confidence that the structure to be erected
gradually and progressively thereon can and will endure.

(2) The Ambassador recalls his statements in the past that in
Japan the pendulum always swings between moderate and extremist
policies; that it was not then possible under the existing cir-
cumstances for any Japanese leader or group to reverse the program
of expansion and expect to survive; that the permanent digging in
by Japanese in China and the pushing of the Japanese advance to the
south could be prevented only by insuperable obstacles. The Am-
bassador recalls likewise his views that the risks of taking
positive measures to maintain United States security in the future
were likely to be far smaller than the risks of not taking such
measures; that only respect for potential power of the United
States has deterred Japan from taking more liberties with American
interests; and that Japan's program of forcible expansion could
be brought to a halt only by a show of force and by a demonstration
of American willingness to use this force if necessary. The Am-
bassador recalls also his statement that if Japan's leadership
could be discredited eventually by such American action, there might
take shape in Japan ultimately a regeneration of thought which
would allow Japan to resume formal relations with the United States,
leading to a readjustment of the entire problem of the Pacific.

(3) The Ambassador suggests that the United States has been fol-
lowing very wisely precisely this policy which, furthered by other
developments in the world, has helped to discredit Japanese leader-
ship, notably that of former Foreign Minister Matsuoka. The Am-
bassador cites as world developments arousing a positive reaction
from the United States the conclusion by Japan of the Tripartite
Alliance and Japan's recognition of the Wang Ching-wei regime at
Nanking, which preceded Germany's attack on the Soviet Union.
Germany's action upset the basis for the Tripartite Pact, Japan
having joined the Italo-German Axis in order to obtain security
against Russia and thereby to avoid the peril of being caught be-
tween the Soviet Union and the United States. At the present time
Japan is attempting to correct this miscalculation by getting out
of an extremely dangerous position. The Ambassador recalls his

reports to the Department to the effect that Japanese foreign policies are inevitably changed by the impact of events abroad and that liberal elements in Japan might come to the top in due course as a result of the trend of events. He considers that such a time has arrived. He sees a good chance of Japan's falling into line if a program can be followed of world reconstruction as forecast by the declaration of President Roosevelt and Prime Minister Churchill. American policy--of forbearance, patient argumentation, efforts at persuasion, followed for many years, plus a manifest determination of the United States to take positive measures when called for--plus the impact of world developments upon Japan, has rendered Japan's political soil hospitable to the sowing of new seeds which, the Ambassador feels, if planted carefully and nourished, may bring about the anticipated regeneration of Japanese thought and a complete readjustment of relations between Japan and the United States.

(4) Certain quarters have advanced the thought--and no doubt it is prominently in the mind of the United States Government--that at this juncture an agreement between Japan and the United States will serve merely as a breathing spell to Japan. During such a breathing spell, Japan, having successfully untangled itself with American aid from the China conflict, will regroup and strengthen its forces in order to resume at the next favorable opportunity its expansionist program. This thought cannot be gainsaid with certainty. The same school of thought also holds that Japan will be forced to relinquish its expansionist program because of the deterioration of Japanese domestic economy and because of the threat of financial, economic, and social collapse due to a progressive intensifying of economic measures by the United States, Great Britain, and the Netherlands against Japan. The Ambassador adds that should this thesis be accepted as reasonably sound, the position will confront the United States of choosing one of two methods to approach its objective, namely, either the method of progressive economic strangulation or the method of constructive conciliation, not so-called appeasement. The Ambassador sees the second method as the definite choice of the United States Government following the beginning of the Washington preliminary conversations and President Roosevelt's acceptance in principle of the Japanese Prime Minister's proposed meeting. Indeed, the Ambassador remarks, the United States has never departed from its readiness to negotiate on any issues with Japan (see the American note dated December 30, 1938), despite the fact that Japan already had embarked at that time on its expansion by force program. He feels that, from the viewpoint of farseeing statesmanship, the wisdom of the American choice seems to be beyond cavil. Should failure greet the constructive, conciliatory method of approach now or later, there will always be available the other method, the application of progressive economic sanctions. In the opinion of the Ambassador, whether the trend of American relations with Japan is for better or for worse, the United States obviously will have to remain for a long time to come in a state of preparedness. The thought that eventual British victory in the world war will solve automatically many problems may, meanwhile, afford whatever degree of encouragement is justified.

(5) The Ambassador, while admitting that risks will inevitably be involved no matter what course is pursued toward Japan, offers his carefully studied belief that there would be substantial hope at the very least of preventing the Far Eastern situation from becoming worse and perhaps of ensuring definitely constructive results, if an agreement along the lines of the preliminary discussions were brought to a head by the proposed meeting of the heads of the two Governments. The Ambassador mentions his previous expressions of opinion that the principal point at issue between the United States and Japan is not whether the former must call a

halt to the expansionist program of the latter, but when. He raises the questions whether the United States is not now given the opportunity to halt Japan's program without war, or an immediate risk of war, and further whether, through failure to use the present opportunity, the United States will not face a greatly increased risk of war. The Ambassador states his firm belief in an affirmative answer to these two questions.

(6) Certain quarters hold the view that it is altogether improbable under existing circumstances that counteraction will be deliberately taken by Japan in response to any American action likely to be taken in the Pacific which would bring about war with the United States. The Ambassador states his inability to agree that war may not supervene following actions, whether irrational or deliberate, by elements either in Japan or in the United States tending so to inflame public opinion in the other country concerned as to make war unavoidable. He recalls in this regard the cases of the Maine and the Panay.

(7) The Ambassador stresses the importance of understanding Japanese psychology, fundamentally unlike that of any Western nation. Japanese reactions to any particular set of circumstances cannot be measured, nor can Japanese actions be predicted by any Western measuring rod. This fact is hardly surprising in the case of a country so recently feudalistic. The Ambassador conceives his chief duty to be an attempt to interpret accurately Japanese psychology, and he states that he has aimed to do this in his numerous reports during the last several months and years to the Department. Keeping this thought constantly before him, the Ambassador ventures at the risk of repetition to advance the considerations set forth below,

(8) Should the United States expect or await agreement by the Japanese Government, in the present preliminary conversations, to clear-cut commitments which will satisfy the United States Government both as to principle and as to concrete detail, almost certainly the conversations will drag along indefinitely and unproductively until the Konoye Cabinet and its supporting elements desiring rapprochement with the United States will come to the conclusion that the outlook for an agreement is hopeless and that the United States Government is only playing for time. If the abnormal sensitiveness of Japan and the abnormal effects of loss of face are considered, in such a situation Japanese reaction may and probably will be serious. This will result in the Konoye Government's being discredited and in a revulsion of anti-American feeling, and this may and probably will lead to unbridled acts. The eventual cost of these will not be reckoned, and their nature is likely to inflame Americans, while reprisal and counter-reprisal measures will bring about a situation in which it will be difficult to avoid war. The logical outcome of this will be the downfall of the Konoye Cabinet and the formation of a military dictatorship which will lack either the disposition or the temperament to avoid colliding head-on with the United States. There is a question that such a situation may prove to be more serious even than the failure to produce an entirely satisfactory agreement through the proposed meeting between President Roosevelt and Prince Konoye, should it take place as planned. Worded otherwise, the question remains whether it will not prove to be a less serious case for the negotiations undertaken in good faith to fail of complete success than for the United States to demonstrate its unwillingness to enter any such negotiations.

(9) The Ambassador continues by stating that he has been emphatically told on numerous occasions, and such declarations he considers must be accepted at their face value--that prior to the

proposed Roosevelt-Konoye meeting and formal negotiations it is impossible for the Japanese Government to define its future assurances and commitments more specifically than hitherto stated. The Ambassador explains that one reason for this Japanese position, as given him very confidentially, is that former Foreign Minister Matsuoka, after his retirement in July, recounted in complete detail to the German Ambassador in Japan the course of the Washington conversations up to that time. Because many supporters of Matsuoka remain in the Tokyo Foreign Office, the fear has been expressed that these men will not scruple to reveal to both the Germans and the Japanese extremists any information which would render the present Cabinet's position untenable. Although certain basic principles have been accepted provisionally by the Japanese Government, the definitions and formulae of Japan's future objectives and policy, as advanced so far during the preliminary conversations, and the statements supplementary to those definitions, are so abstract or equivocal and are open to such wide interpretation that they rather create confusion than clarify commitments which the Japanese Government is ready to undertake. The Ambassador states that at the same time he has been told that Prince Konoye is in a position in direct negotiations with President Roosevelt to offer him assurances which, because of their far reaching character, will not fail to satisfy the United States. The truth of this statement cannot be determined by the Ambassador, who, however, points out that, in regard specifically to Japan's Axis relations, the Japanese Government, though refusing consistently to give an undertaking that it will overtly renounce its alliance membership, actually has shown a readiness to reduce Japan's alliance adherence to a dead letter by its indication of willingness to enter formally into negotiations with the United States. The Ambassador therefore does not consider unlikely the possibility of Prince Konoye's being in a position to give President Roosevelt directly a more explicit and satisfactory engagement than has already been vouchsafed in the course of the preliminary conversations.

(10) In the opinion of the Ambassador, on the basis of the above observations which he has every reason to regard as sound, American objectives will not be reached by insisting or continuing to insist during the preliminary conversations that Japan provide the sort of clear-cut, specific commitments which appear in any final, formal convention or treaty. Unless a reasonable amount of confidence is placed by the United States in the professed sincerity of intention and good faith of Prince Konoye and his supporters to mould Japan's future policy upon the basic principles they are ready to accept and then to adopt measures which gradually but loyally implement those principles, with it understood that the United States will implement its own commitments pari passu with the steps which Japan takes, the Ambassador does not believe that a new orientation can be successfully created in Japan to lead to a general improving of Japanese-American relations and to the hope that ultimate war may be avoided in the Pacific. The sole way to discredit the Japanese military machine and army is through wholesale military defeat, and the Ambassador sees no present prospect of this. The only alternative (and the only wise one in the view of the Ambassador) is an attempt to produce a regeneration of Japanese thought and outlook through constructive conciliation, along the lines of American efforts at present. The Ambassador inquires whether the better part of wisdom and of statesmanship is not to bring such efforts to a head before the force of their initial impetus is lost, leaving it impossible to overcome an opposition which the Ambassador thinks will mount inevitable and steadily in Japan.

(11) In submitting the foregoing discussion, the Ambassador does so in all deference to the much broader field of view of President Roosevelt and Secretary Hull and in full awareness that the Ambassador's approach to the matter is limited to the viewpoint of the American Embassy in Japan.

Ref.

辯護文書一四〇〇一五十六

日米外交關係よりの拔萃 自昭和六年至昭和十六年第二卷

六四五頁

國務長官に對する駐日大使（グルー）の報告

「内容」

昭和十六年九月二十九日正午

於東京

「午後二時二十五分文理」

一五二九 本大使はハル國務長官及ウエルズ國務次官に對し次の如く報告する。

(一)ワシントン及東京に於て進歩中の豫備會談に關し余は次のことを指摘する。即ち今春以來の本件に關する電信による通信文を再検討すれば近衛公とルーズベルト大統領との會談を速かに取極めようと日本政府が不斷に努力し來り且最近に於ては特に努力してゐるのが明らかである。

.....

(二)

従つて今回のやうな好機を捉えて新しい基礎——即ち漸進的にそれの上に樹立さるべき機構が永續し得且永續するであらうと確信し得る十分な根據を有する程安定的な一を築きあげることが余は衷心より希望する。

余は日本に於ては大勢は穩健な政策と過激な政策が交互するのを常とし當時の情勢下にあつては日本の指導者達又は國体が膨脹計畫を逆轉せしめ而も自己の存續を期する事は不可能であり又日本の支那に於ける永久的侵略及日本の南方進出は打勝ち難い障害を以てして始めて阻止し得たのであると述べたことを想起する同様に余は將來に於けるアメリカ合衆國の安全を維持するため積極的方策をとることより生ずる危険はかかる方策をとらないことより生ずる危険より遙かに少いらしいといふ見解を述べたことを想起する。アメリカ合衆國の潜在力に對して畏敬の念を抱いてゐたからこそ日本は敢てそれ以上アメリカの利益を侵害しようとしなかつたのである。日本の武力に依る膨脹計畫はアメリカ側が自己の武力を示し、必要とあればその武力を行使するのも辭さないといふ示威

行動によつてのみ阻止できたのであつた。かかるアメリカ側の行動によつて結局日本の指導者達が信用を失墜した點には日本をしてアメリカ合衆國との正式の關係を再開させ太平洋の全問題を再開せしむるような思想が結局日本に再び燃頭するであらうといふことを嘗て余が言明したことを想起する

(三) 世界情勢の發展と相俟つて日本の指導者殊に前外務大臣松岡の勢力を失墜させるのに與つて力あつたこの政策を貴明に正確にアメリカは採つて來たことを余は想起する。余はアメリカ合衆國の積極的反響を喚起した世界情勢の發展の例としてドイツのソ連攻撃以前に行はれた日本の三國同盟締結及日本の南京汪兆銘政權の承認をあげる日本はソ連かの脅威を免れ、その結果ソ連とアメリカ合衆國との狭み壁ちになるに因り國運するために、イタリ

し、こののであら、ドイツの行動は三國同盟の基盤を崩らせたのであつた。現在日本は極めて危険な地位から脱することになり

よつてこの誤算を訂正しようと企圖してゐる。外國で起る事件の與へる影響によつて日本の對外政策が變更されるのは不可避であり、日本に於ける自由主義的分子が世界の趨勢の結果やがては挽回するかも知れないと余は國務省に對して報告したことを想起する。余はかかる時機が到來したものと思考する。ルーズベルト大統領及テヤーデル首相の聲明によつて憶想されるやうな世界再建計畫を遂行し得る曉には、日本は歩調を合せて協力する可能性が十分あると余は見えてゐる。多年の間示されたアメリカ合衆國の寛容な態度、根氣のある討論、説得の努力、いざとなれば積極的方策をとるといふアメリカ合衆國のはつきりした決意、世界情勢の發展が日本に與へた影響、これらは日本の政治的土壤をして新しい種子を播布するに逼したものとたらしめた。そしてこれらの種子を注意深く植えて培養すれば、日本に於ける思想は刷新されるやうに改進され且日米間の關係は完全に再調整されるかも知れないと余は思ひてゐる。

(四)

或方面の人々は次のやうな考を述べてゐる。これは勿論特にアメリカ政府筋の人々の考へてゐることだが、この期に際して日本とアメリカとの間に協定が結ばれるとしてもそれは日本にとつては息抜きとして役立つに過ぎない。このやうな息抜きの間に日本はアメリカの援助を得て、支那との紛争で煩はされなくなるので、次の有利な機会を捉へてその膨脹計畫を再び開始するために兵力を補充し強化するであらうと。自信を以てこのやうな考へ方を否定することは出来ない。右と同じ考を抱いてゐる人々は同様に次のことを主張する。

即ち日本の國內經濟の窮乏化のため及日本に對するアメリカ合衆國、英國、オランダの經濟措置の逐次的強化に因る財政的、經濟的及社會的崩壞の脅威のため日本はその膨脹計畫を放棄することを餘儀なくされるであらうと。この説が萬一正しいとして承認されとしてもアメリカ合衆國はその目的を達するための二つの手段の中の一を選ばざるを得ないであらう。即ち漸次經濟的に日本の首をしめるか又は所謂宵和

政策でない建設的な和解の手段をとるかの何れか一つである。ワシントン軍備會議の開始及日本の總理大臣の提議した會議に對して原則上ルーズベルト大統領が承認を與へたのに引續いて第二の手段をアメリカ合衆國は必ず選ぶものと余は見えてゐる。當時日本は既に兵力による膨脹計畫を開始したにも拘はらず、實際アメリカ合衆國は日本と如何なる問題に就ても交渉する用意があつたことを余は言明する。昭和十三年十二月三十日のアメリカ合衆國の覺書參照。先見の明ある政治家の立場から見ると、アメリカ合衆國の選んだ方法の得策であつたことは異論を容れ餘地がないと余は感ずる。現在又は今後に於て親和のため建設的宥和的手段が萬一失敗すれば漸次經濟的制裁を適用するといふもう一つの手段をいつでも用ゐることが出来るのである。余の意見としてはアメリカ合衆國の對日關係が好轉しようが惡化しようがアメリカ合衆國は明らかに今後長期間に亘つて戰備を緩へなくてはならないであらう。世界大戰に於て英國が結局勝利を得その結果自然に多

くの問題が解決されるであらうといふことを考へると當然吾々は志氣を鼓舞されるのである。

(五) 余は日本に對して如何なる方針を採つても危険が介在するのは不可避であるといふことは認めざるが兩政府の首班の會議の結果として豫備會議の線に沿つた協定が破棄の危険に瀕しても、少くとも極東に於ける情勢がこれ以上惡化するのを阻止し、悉く明確な建設的な成果を收める望みがあるといふことを余の慎重な調査の結果信じてゐる。余は嘗て次のやうな意見を表明した。即ちアメリカと日本との間に存在する主な係争點は前者が後者の膨脹計畫を阻止しなくてはならぬか否かに存するのでなくして何時さうしななければならぬかと云ふ問題に存する。アメリカは日本の戦争計畫又は差迫つた戦争の危険を阻止する機會を與へられてゐないのであるか又は現在の機會を利用しないためにアメリカは非常に増大する戦争の危険に直面するのではないかといふ問題を余は提起するこれらの二つの質問に對して余は肯定的返答を與

へることが出来ると信ずる。

(六)

アメリカとの戦争開始の誘因となるであらう太平洋上に於けるアメリカ側の^{のとりさうな行動に對して日本側}が意圖的に反行動に出ることは目下の情勢に於ては全然あり得ないことだといふ見解を或方面の人々は持つてゐる。戦争を不可避ならしめるように相手國の輿論を激發させる傾向のある日本又はアメリカ内の分子達の行動—假令それが不合法又は故意であらうとも—の結果としては戦争は起らないかも知れないといふ議論に對して余は同意し兼ねることを言明する。この點に關して余はメイン號事件及バネイ號事件を想起する。

(七)

余は西歐諸國民の心理とは根本的に異なる日本人の心理を理解することが重要であることを強調する。情勢に對する日本人の反應は測ることが出来ず且日本人の行動は西歐の規律を以てしては豫測することが出来ないのである。極く最近迄封建的であつた國の場合に於てこの事實は敢て驚くに足らない。

余は余の主な職責は正確に日本人の心理を解釋しようとすることにあり、と思考する。余は過去數年間に互つて國務省に對してなした多くの報告に於て右のことをなすを以て目的としてゐたことを述べる。余は絶えずこのことを念頭に置きながら以下に述べる事情を闡明するために敢て反覆の勞をとるものである。

(八) 現在の設備會談に於て、原則及具體的な細目に關してアメリカ政府を満足させるやうなはつきりした約定に日本政府が同意するのをアメリカが萬一延期するならば十中八九迄會談は何等の成果も收めないでいつ迄も永引き結局アメリカとの親善を切望してゐる近衛内閣及それを支持してゐる分子は協定の見透しは絶望であつて、アメリカ政府はただ時を弄じてゐるだけだといふ結論に達するであらう。日本が病的に神經過敏になり且体面を毀損せられたことから生ずる異常な結果を考慮するならば、かかる事情の下にあつては日本人側の反應は重大であらう。その結果近衛内閣は信用を失墜し、急激に反米感情が醸成され

るであらう。尚その結果として常規を逸した行動に出るかも知れないし、多分さうであらう。それらの結果は予測出来ないが、その性質上アメリカ人の感情を激発しさうである。一方報復及それに對する反報復及それに對する反報復手段をとる結果戦争を回避するのが困難となるやうな情勢が招來されるであらう。その結果當然起ることは近衛内閣崩壊であり、アメリカとの正面衝突を回避する意思を持たない軍事獨裁政權の樹立であらう。萬一ルーズベルト大統領と近衛公との會談が協定の如く行はれた場合その會談を通じて全然申分のない協定に達することが出来ない場合よりも右に述べた情勢は一層重大であることが判明するかもしれないといふことが論議されてゐる。誤言すればアメリカがかかる交渉を進んで開始する意思のないことは信義を以て行はれる交渉が完全な成功を収めることが出来なかつたといふことより更に重大性を證明するではなからうかといふ問題が残るのである。

(九)

余は尙次のことを申上げる。余は多くの機会に次のことを聞かされた余はかゝる言明は額面通り受取らねばならぬと考へる。

ルーズベルトと近衛との會談及正式の交渉開始以前に於ては、日本政府は今日迄言明した以上に、はつきりとその將來の保證と約束とを明言するのけ不可能である、余が極く内密に知り得たところでは、日本政府がかかる立場に置かれてゐる一つの理由は前外相松岡が七月退職後その時迄のワシントン會談の經過を駐日特使大使に極めて詳細に語つたからである、と余は説明する。松岡の支持者達が東京外務省に多く在職してゐるのでそれらの連中がドイツ人及日本人の過激論者達に現内閣の立場を支持することが出来ないやうにさせる情報を洩らすことも致して躊躇しないであらうといふことが危惧されてゐたのであつた。

尤もある種の根本的原則に就ては日本政府は暫定的に承認したが予備會談に於て現在迄に提示された日本の將來の目的と政策の定義及方式並びにこれらの定義に附加された聲明は極めて強硬的で曖昧で、廣い意味に解釋できるために、日本政府が履行する用意のある協定を明らかにする

(十)

より、~~ある~~ 混乱を生ぜしめてゐるのである。近衛公はルーズベルト大統領との直接交渉に當つてその廣範圍に亘る在留のため必ずアメリカを満足させる保證を大統領に與へることが出来るといふことを余は聞いたことを申上げる。これの眞偽如何は余ははつきりと決定できないが、次のことを指摘する。特に日本はその極端關係に於ては同盟から脱退するといふ約束を與へることは終始拒絶して來たが、實際はアメリカと正式に交渉する意思のあることを表明することによつて日本との同盟加入を死文と化さうとする腹のあることを示して來たのである。従つて近衛公が予備交渉中に既に與へたよりも一層明快な申分のない約束をルーズベルト大統領に直接に與へることが出来るといふ可能性がありさうもないとは余は考へないのである。

余の意見としては余が確實な理由に因り正しいと看做す前述の言明に基き、予備會談に於て最終的な正式な協定又は條約の形で表現される明快な約束を日本が與へることを主張し又は主張し續けることによつてはアメリカはその目的を達成することが出来ないのである。

承認する用意のある根本的原則に基づいて日本の將來の政策を樹立しこれらの方針を漸次忠實に履行する方策を探るといふ、近衛公及その支持者達の表明された誠意と信義とに對してアメリカがそれ相當に信頼の念を置かない限り、それと共に日本の探る方策と歩調を合せてアメリカがその約束を履行すべきであるといふことになるが、日米關係を全般的改善に導き、結局太平洋に於ては戦争は回避できるといふ希望を持たせるやうな新しい方向轉換は日本に於ては不可能だと余は信ずる。日本の軍事機關及陸軍の信用を失墜させる唯一の方法は全般的敗北を通じてであつて現在この見込があると余は考へない。他にとるべき唯一の手段は、余の見るところでは唯一の賢明な手段である。現在のアメリカ側の努力の續に於つた建設的和解を通じて日本人の思想と世界觀を改造することである。日本に於いて必然的に著々と増大し來るであらうと余の考へる反對勢力の爲に打勝つことが出來なくてなる以前にこの當初の勢力を盛り立てることは教習でありました。政治的手腕ではなからうかと余は訊ねるのである。

余は前述の論を提出するに當り、ルーズベルト大統領及ハル國務長官の
廣い見解に敬意を表すものであり、且余の前述の事項の究明は在
日アメリカ大使館の立場だけからなしたことを十分承知してゐる。

Ref.
D. D. 1400-T-2

"Foreign Relations of the US"
Japan - Vol. II(pp2-3)

Excerpt from Telegram

The Ambassador in Japan(Grew) to the Secretary of State

Tokyo, May 18, 1939-7 PM
(Received May 18--10:03 AM)

*****"Japan is bound to Germany and Italy by the tie of anti-communism and as we deem it necessary, further strengthening of this bond is being seriously considered. But if any one should regard Japan, because she had taken such a measure, as joining into the camp of totalitarian nations in opposition to the democratic nations, he would surely be misunderstanding the true intention of the Japanese Government. Japan is not a totalitarian, no more than a democratic, state. She has an original constitution of her own which is centered around the Imperial family, and is based on the spirit of levying (allowing) everything to have its own proper place, surpassing all ideas of antagonism. In joining hands with Germany and Italy we have no other purposes than to combat the destructive activities of Comintern. If the United States, not understanding the true intention of Japan on this point, should base her future policies on such misunderstanding, it would bring about a deplorable situation not only respecting the relations between the United States and Japan but also in respect of the peace of the world."

4. Arita said to me, and I believe his statement to be accurate, that there is now no substantial opposition in the Government to the proposed arrangement with Germany and Italy as now formulated. At the present moment the Cabinet appears to have weathered the recent storm and to be momentarily secure. I do not, however, believe that this present security can be regarded as permanent because (of) many divergent forces active within the country.

Grew

辯護則文書第一四〇〇ノTノ2號
「米日の對外關係」日本之部第二卷第二頁及三頁
電報の抜萃

駐日大使（グルー）より國務省長官宛

一九三九年（昭和十四年）五月十八日午後七時東京發電
（五月十八日午前十時三分受電）

「日本は反共產主義の絆で獨、伊兩國に結ばれてゐる、そして此の紐帶の強化は、我々も必要と考へてゐるのであるが、其面目に考慮されたい。併しながら日本が斯かる措置をさつたからして、民主主義諸國に反對して全體主義國家の陣營に参加するものと見る者ありとせば、それは正に日本政府の眞意を誤解するものであらう。日本は、皇室に集中し、且つ凡ゆる敵愾思想を超越して、物みな各々その腕を待せしめるといふ精神に基いてゐる日本個有の憲法を有して居る。獨伊兩國との提携につき我々はコミン

Ref No. #1400-T-2

テルンの破壊的活動を闘はんとする以外何の目的も持つて居ないのである。若しも米國が此の點に關する日本の眞意を了解せざして、その將來の政策を斯かる誤解に基いて立てるゝとするならば、單に日米兩國間の關係のみならず、世界平和の爲め悲しむべき事態を齎らすことにならう」

四有田は余に對して、現在成案となつてゐる所の同好の取極めに對しては、政府部内には何等の本質的反響は存在しない旨述べたが、余も彼の言ふことは正確だと言ふ。目下の感、内閣は最近の風を切抜け

「一時安定したらしい。併しながら余は、現下の不足は國內に多くの相反する勢力が活潑なので永續的のものと考えざることは出来ないと言ふ。」

グ
ル
ー

Ref.

Memorandum by the Assistant Secretary of State (Berle)

(Washington), November 19, 1940

The Japanese Chargé came in to see me, at his request.

He raised the question of export licenses for machine tools, and submitted the attached very lengthy note. His principal points were:

(1) They were given to understand that machine tools would be allowed a license for export unless they were needed in the domestic market. Export licenses for certain machine tools were denied. Attempts were thereupon made to sell them to the domestic market, but it developed that nobody wanted them. Therefore, the Chargé thinks the denial of license must be a mistake.

(2) Certain other machine tools are manufactured in accordance with specifications which fit Japanese machines, measurements, etc., only. Nobody appears to want to recondition them for American business.

(3) Certain other machines, according to the Japanese construction of the export licensing order, need no licenses at all. The manufacturers nevertheless requested licenses for them, which were denied. The Embassy wishes licenses for the whole lot.

I confined myself to the comment that I would have the matter looked into.

A. A. B(erle), Jr.

Pages 229, 230

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11



國務次官覺書（パール）

（ワシントン）一九四〇年（昭和十五年）十一月十九日

日本代理公使ノ求メニヨリソノ訪問ヲ受ク

彼ハ機械工具ノ輸出許可ニ關シ質問ヲナシ、長文ノ添付書類ヲ提出セリ、ソノ重要ナル點左ノ如シ

一 國內市場ニ於テ必要ナラザル限り、機械工具ノ輸出ヲ許可セラルトノ諒解ヲ與ヘラレタ事、或ル種ノ機械工具ニ對スル輸出許可ハ拒否セラレタ事、ソコデソレ等ノ物ヲ國內市場ニ同テ販賣スル企テガナサレタガ全然需要有ノナイコトが判明シタ事以上ニヨリ代理大使ハ右ニ許可ノ否定ハ、誤謬ナリト思料ス

二 或ル種ノ他ノ機械工具ハ日本ノ機械寸法等ニノミ適合スル仕様書ニ從ツテ製作サレタルモノナルコト

何人モコレヲ米國ノ産業ニ用フベク修理スルコトヲ欲シナイ事

三 日本ノ輸出許可指令書ノ解釋ニヨレバ或ル種ノ他ノ機械ハ全ク（特別

ノ一認可ヲ安シナイニモ拘ラズ該道業ハソレ等ニ對シ認可ヲ要求、拒
否セラレタ。ソコデ大使館トシテハ一切ノモノニ付認可アルコトヲ希
望スル

余ハ本件ノ調査ヲナスベキデアラウトノ言明ニ終始セリ

エイ、エイ、パール・ジュニア

二、二九、二三〇頁

合衆國對外國係——日本——

一九三一年——一九四一年

第二卷



D. D. 1400-U-2

Excerpt from Telegram Grew to Sec. of State.

"Foreign Relations of the US"
Japan - Vol. II - pp 58

The Ambassador in Japan (Grew) to the Secretary of State

Tokyo, March 24, 1940 4 PM
(Received March 25--1:55 PM)

200. 1. Replying to an interpellation in the Budget Committee of the Lower House yesterday afternoon with regard to the attitude of the United States towards Japan, the Prime Minister is reported to have stated inter alia as follows (our translation of press stenographic record):

"As for the problem of a general embargo this is a serious matter for the country imposing the embargo, (as well as) the country upon which it is imposed. If one false step is taken, danger lies ahead for both countries. I do not believe that the United States would risk applying a general embargo upon Japan. However, we must be prepared for any eventuality. The Government is giving every consideration to this point. However, the question of the danger to the two countries through the imposition of an embargo is more than important--it is pure supposition--and I must refrain from giving "yes" or "no" replies to questions based on supposition."

2. Significant portions of a reply by the Foreign Minister on the same occasion follow:

"As for relations between the Chungking Government and the United States the fact must be admitted that the United States, which recognizes the Chiang regime, aids that regime indirectly in various fields of trade. The loan of 25 million dollars and now the loan of 20 million may be placed in that category. The United States is supplying certain types materials to the Chiang regime none of which are supplied to Japan. In other words, indirect aid to the Chiang regime has the effect of a moral embargo. The United States would deny this, but that is the way it appears to Japan.

Grew



Ref.

「グルー」より國務長官宛電報の抄萃

「合衆國の外交關係」

日本一第二卷一第五八頁

發 駐日大使（グルー）
宛 國務長官

東京 一九四〇年（昭和十五年）

三月廿四日午後四時

（受信 三月廿五日午後一時五十五分）

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一、昨日午後衆議院の豫算總會に於ける合衆國の日本に對する態度に就ての質問演説に答へて、總理大臣は既中次の様に述べたと報ぜられてゐる。（新聞速記録を我々が翻譯せるもの）『全面的通商停止に關しましては、之は通商停止を受ける國家に取つては勿論であるが、それを課す國家に取つても重大な事柄であります。一步誤れば兩國の前途に危険が横はる。私は米國が日本に對し全面的通商停止を行



ふ冒險をおかす意向があるとは信じてない。然し我々は如何なる不事に對しても用意がなければならぬ。政府は此の點に就て總ゆる考慮を拂つてゐる。然し乍ら通商停止の實施の爲に、二國に迫る危険の問題は重大だどころの騒ぎでない。その問題は全くの推測である。私は推測に基く質問に對しては、「然り」とも「否」とも回答することを避けねばならぬ。」

二、同じ機會に於て外務大臣のなした回答の内重要な部分は次の通りである。

「重慶政府と米國との關係に就ては、蔣政權を承認してゐる米國が色々の貿易部面に於て間接に同政權を援助してゐる事實を認めねばならぬ。二千五百万弗の借款も今の二千万弗の借款も此の種の援助の中に入れることが出來得る。米國は蔣政權に對し或る種の資材を供給してゐるが、その中の何一つ日本に供給されて居ない。換言すれば蔣政權に對する間接的援助は精神的通商停止の效果を持つてゐるのである。米國は之を否定するだらうが、日本にとつて見ればそ

Def, Doo 1400 U-2

の様には見えないのである。』

グルー

Memorandum by the Assistant Secretary of State (Berle)

(Washington), November 30, 1940

The Japanese Charge d'Affaires came in to see me at his request. He had on his mind the fact that his Government had raised the question of export licenses for certain machine tools, and had called to the attention of the Department the fact that certain kinds of machine tools, notably cutters and grinders, were not listed as requiring licenses. Nevertheless, shipments of these tools had been held up.

He now pointed out that in the recent circular to collectors of customs, they were directed not to permit export of tool and cutter grinders until further notice. In other words, though licenses were not required, the collectors of customs were nevertheless not permitted to allow these tools to go forward.

I said I would have the matter looked into, but I called the Counselor's attention to the fact that export of these articles was at all times dominated by our needs for national defense. If the Defense Commission felt such tools were needed, they would undoubtedly require them to be licensed; and, as had happened when the Act was first passed, the first step is to hold up shipment pending a more or less careful examination. I could not, therefore, assure him that arrangements would be made prior to December 10 permitting these tools to go forward. I did agree, however, that the Department would look into the matter.

Attached is the memorandum handed me by the Japanese Counselor.

A. A. Berle, Jr.

Page 230

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

米國務次官覺書（パール）

一九四〇年（昭和十五年）十一月三十日



日本代理大使ノ求メニヨリ其訪問ヲ受ク彼ハ日本政府ガ或種機械工具ニ對スル輸出許可ニ付疑義ヲ有スル事ニ鑑ミ、或種機械工具特ニ切斷及研磨機ガ許可ヲ必具トスルモノトシテ記載シアラザル事ニ關シ特ニ國務省ノ注意ヲ喚起セリ然處此等機械工具ノ輸出ハ保留セラレアリ

彼ハ最近ノ税關吏ヘノ通牒ニ於テ工具及ビ切斷研磨機ノ輸出ハ追ツテ通告アル迄之ヲ許可セザル機指令アリタル點ヲ指摘セリ通牒スレバ許可ハ必具トセザルニモ拘ラズ税關吏ハ之等工具ノ輸出ヲ許可スルコトヲ許サレ居ラズ

1400-U-4
余ハコノ件ニ關シ調査スル旨ヲ言明セルモ該品目ノ輸出ハ實ニ國防上ノ必要ニヨリ支配セラレル事實ニ就キ代理大使ノ注意ヲ喚起セリ若シ國防委員會ガ該工具ヲ必具トセバ當然同委員會ハ之等ヲ許可必具

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D. LE D. OC

ノ品目ト考ヘタルコトハ疑フ余地ナキトコロナリ、而シテ該法令ガ初
メテ通過シタ場合ニ於ケルガ如ク第一採ルベキ措置ハ多少入念ナル調
査ノ行ハレル迄積出ヲ保留スルコトナリ、
ソレ故余ハ之等工具類積出許可ニ付十月十日以前ニ取扱メヲナシ得ル
トノ公約ヲナシ得ザリシモノナリ、
然シ乍ラ余ハ本件ニ關シ國務省ガ調査ヲオスト云フ點ニ付同意セリ、
日本代理大使手交覺書ヲ添付ス

エイ。エイ。パール。ジュニア

合衆國對外關係―日本―一九三一年（昭和六年）―一九四一年
（昭和十六年）第二卷二三頁ヨリ抜萃



Excerpt from Foreign Relations of the United States
Japan: 1931-1941 Vol. II

Page 663

Memorandum by the Ambassador in Japan (Grew)

[Tokyo, 7 October 7, 1941]

When I called upon the Foreign Minister at his request this morning he first informed me that the text of the memorandum handed to the Japanese Ambassador on October 2 by the Secretary of State had been received and was being carefully studied.

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. . . Admiral Toyoda stated that the private records of the Prime Minister with regard to the September 6 meeting revealed that, although Prince Konoye had "in principle" accepted the four points which the Secretary of State had continuously stressed, the Prime Minister had indicated that some adjustment would be required in the matter of applying the four points to actual conditions. However, a statement that the Prime Minister "fully subscribed" to the four points was contained in the memorandum given to the Japanese Ambassador on October 2. Admiral Nomura had therefore, in view of this disparity in the records, been instructed to inform the Secretary of State that the phrase "in principle" should replace the words "fully subscribed" in attributing to the Prime Minister the statement, which had been made privately.

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. . . Thus, since an attribution of views to the Prime Minister had appeared in an official document of the United States Government, it had been deemed necessary, in view of the absence of previous comparison between the Foreign Minister and myself of notes relating to what might have been stated by Prince Konoye at the time of his meeting with me on September 6, to clarify the Japanese record of the Prime Minister's statement. (There is no doubt whatsoever that the observations of the Prime Minister, which were made in Japanese and translated by Dooman to me, were correctly and accurately set forth in my telegram No. 1413, September 6, 10 p.m., reporting my meeting with Prince Konoye. The Prime Minister doubtless is referring to his remark made subsequently that "he is convinced that divergences of view can be satisfactorily met" and that he "realizes that certain points may require elucidation and precision".)

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J[oseph] C. G[rew]

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Ref.

Dep. Sec. 1400 11-6

辯護側文書第一四〇〇號U 16

米日外交關係第二卷一九三一年——一九四

一年抜萃

六六三頁

駐日大使（グー）總督

「東京」一九四一年十月七日

今朝外務大臣ノ求メニ應ジテ訪問シタ所、彼ハ十月二日國務長官ヨリ日本大使ニ手交セラレタル覺書本文ガ受領セラレ、且目下注意深ク研究セラレツシアルコトヲ告ゲタ。

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「――」豊田提督ハ九月六日官舎ニ關セル首相ノ私的ナ記録ニハ近衛公ハ原則トシテハ國務長官ガ從來強固シテ來タ西原則ヲ承認シタノデアルガ現實ノ懸念ニコノ西原則ヲ適用スルトナハバ若干ノ調整ガナサレホバナクナルデアラウコトヲ指摘シテ來タコトカ明カニサレテキルト語ツタ。然シ十月二日日平大使ニ與ヘラヒタ覺書中ニハ右ノ西原則ニ首相ガ全面的ニ賛成スル旨ヲ寄カシテ居ル。依ツテカ、ル記録上ノ不一致ニ對シ野村提督ハ私

Leaf 200 1400 11-6

的ニナサレタ聲明ヲ首相ノモノトシテ傳ヘルダメ
ニハ「完全ニ贊成スル」ノ語ヲ「原則ニ於テ」ナ
ル語ヲ置換シナクテハナラヌコトヲ國務長官ニ傳
ヘル様ニ命令サレテキタ。

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合衆國ノ公文書中ニオイテ首相ノ眞意ヲ傳ヘルダ
メ修正スルト謂フ様ナ事ガ起ツダノデ、外務大臣
ト私トノ間テ九月六日ニ會見ヲ行ツタ際近衛公ノ言
トシテ傳ヘラレタ旨ノ公文ヲ通ツテ比較スル資料
ガナイダメ首相ノ聲明ノ日本文記録ヲ閱ヒナラシ
メルコトガ必要トナツタ。(日本語デナサレドイ
マンガ私ニ翻譯シテ聞カセタ首相ノ見解ガ私ト近
衛首相ノ會見ヲ報スル九月六日午後一〇時電報第
一四一三號ニ正確ニ且閱ヒニ載セラレテ居ルコト
ハ絶對ニ間違ヒハナイ。

首相ハ間違ヒナク後ニナサレタ言ニ言及シテ居ル
ノデアツテ、ソレハ「見解ノ相違ハ必ズ一致ヲ見
ルコトト相信シテキル」及ビ「若干ノ點ハ説明及
ビ修正ヲ要スルカモ知レスト思フ」ト謂ツテ居ル)

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Rij.
1400-V-2

"Foreign Relations of the US"
Japan - Vol. II pp 66

The Ambassador in Japan (Grew) to the Secretary
of State

413. The following is a summary of the press reports of (address by?) Minister for Foreign Affairs at Pacific Soc. last night:
Tokyo, June 4 1940--8 PM
(Received June -- 5:30 AM)

Fundamental policy of Japanese Empire based upon mission as stabilizing force East Asia. Obviously Japan concerned not only with China continent but also with South Seas areas. Economic relations between Japan and other countries East Asia very close. These countries' territories mutually dependent for prosperity. Japan has deep concern not only for political status quo Netherlands East Indies but also for economic resources, trade, industry, and development those islands. Can nations avoid conflict friction when there exist tariff walls, immigration restrictions, other barriers preventing smooth interchange of goods between nations which are complementary in economic sense? Construction new world order to come after present European war will require basic settlement of this issue.

Repeated by naval radio to Chungking and Peiping.

Grew



Rij.

Ref No. # 1400-V-2

「合衆国の外交關係」

日本 1 第二卷 1 第六六頁

發 駐日大使（ダール）

宛 國務長官

四一三、

以下は昨夜太平洋洋部會に於て外務大臣のなした演説の新聞報告の概要である。

東京 一九四〇年（昭和十五年）

六月四日 午後八時

（受信 六月五日 午前五時三十分）

日本帝國の根本國策は東亞の安定勢力としての使命に在りてゐる。日本は中國大陸のみならず、南洋方面にも明らかに關心を待つてゐる。日本と他の東亞諸國との間の經濟關係は非常に密接である。之等の國々の領土はその繁榮の爲相互依存の關係にある。日本は南領東印



Ref. Doc # 1400-V-2

度の政治的現状維持のみでなく、其等の島々の経済的資源、貿易、産業、
發展に深い關心を持つてゐる。關稅障壁や移民制限或は経済的意味に
於て不足を満たす國家間の圓滑な物資交換を阻む其他の障壁の存在する
時、國家は衝突關係を避けることが出来るか。現在の歐洲戰爭の後に來
る世界新秩序の建設の爲には此の問題の根本的解決が必要であらう。
重慶及北平宛海軍電報に依り繰返されてゐる。



The Secretary of State to the Japanese Charge (Morishima)

The Secretary of State presents his compliments to the Charge d'Affaires ad interim of Japan and acknowledges the receipt of the Japanese Embassy's note of November 19, 1940, in regard to the issuance of export licenses for machine tools.

As the Embassy is aware, each application to export a machine tool is examined by the interested agencies of this Government with a view to determining whether or not the tool in question is needed in the United States defense program. In view of the constant and rapid expansion which this program is undergoing, it frequently becomes necessary to revoke a license already granted, since the tool which it seemed at the time of the issuance of the license could be dispensed with has thereafter been found to be essential to the program. Attention should also be invited to the fact that, even though a particular tool for the exportation of which application is made may not be needed in the defense program, the application may nevertheless be rejected if the manufacture of the tool in question would occupy production capacity needed for the manufacture of other tools which are essential to the program.

It should be pointed out, moreover, that other considerations are also weighed by those agencies of the Government responsible for the issuance of export licenses. On December 2, 1939, the President publicly stated the policy of this Government in regard to the export of materials essential to aircraft manufacture to countries the armed forces of which engage in the unprovoked bombing from the air of civilian populations. This policy is naturally taken into consideration by those officers responsible for the granting or rejection of export license applications.

The Embassy refers to the revocation of licenses for tools which collectors of customs had previously been informed could be exported without the requirement of a license. The attention of the Embassy is invited to the fact that collectors of customs were informed that no license would be required for the export of these types of tools "until further notice". In view of the fact that the expanding defense program of this Government makes the conservation of machine tool production capacity for its own needs constantly more necessary, collectors of customs were recently instructed that licenses will be henceforth required for the export of additional types of machine tools, including those types listed in the enclosure to the Embassy's note.

In regard to the specific case referred to in the second numbered paragraph of the first section of the Embassy's note, the Embassy is informed that this application was received by the Department of State on October 3, 1940, and transmitted to the interested agencies of this Government on the same date. It is understood that a decision in this case has now been reached and that it is being communicated to Mitsubishi Shoji Kaisha. It is also understood that a decision has been reached in the case referred to in the concluding section of the Embassy's note and that this decision also is being transmitted to Mitsubishi Shoji Kaisha.

Washington, December 9, 1940

EXCERPT FROM FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11

Pages 231, 232

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且つ又輸出許可附與任務を有する政府の關係機關が右以外の考慮を擧へ
 ることと茲に指摘して置かねばならない。一九三九年十二月二日、大統領
 府無の住民に空母を以て贈れたる爆撃を加ふるが如き國家に對する航空
 機製造に不可欠なる材料の輸出に關して我が政府の政策を公表した。此の
 政策は輸出許可申請に就いて認可又は却下の任務を有する官吏が當然考慮
 に入れるのである。

日本大使館は、關稅徵收官が以前に許可を要せずして輸出し得ると受け
 た機械の許可を取消したることについて照會してゐる。これについては關稅
 徵收官が此の種の機械輸出に對して「別命ある迄」許可の不要なる旨を指
 示されてゐる事に日本大使館は注意を向けられたい。我が政府の國防計畫

の進展により工作機械製造能力をその需要に應ずるため保存することが絶
 えす必要となる場合に備へて關稅徵收官は日本大使館通牒に添附の別紙に
 挙げられた種類を含む工作機械の追加種目の輸出に關しても今后は許可を
 要することと最近指示されてゐる。

日本大使館通牒第一章第三項に述べられた事例に關しては、該申請が一
 九四〇年一月二日國務省に於て受領され同日我が政府の關係機關に交附

されたことを了承されたい。此の件は既に決定済となり、目下三菱商事
會社宛通知發送中である。又大使館滿蒙最務部中に述べられたる事例
に關しても決定を見、同様三菱商事會社宛通知されるものと御承知あり
たい。

ワシントン、一九四〇、一月九日

米、日外交關係、一九三一—一九四一年度、一一卷より抜萃

二三一、二三二頁

Executive Order No. 8607, Signed by President Roosevelt,
December 10, 1940

Pursuant to the authority vested in me by the provisions of section 6 of the Act of Congress approved July 2, 1940, entitled "An Act to expedite the strengthening of the national defense," I hereby prescribe the following additional regulations governing the exportation of:

Iron and Steel

1. As used in my proclamation of December 10, 1940, issued pursuant to the provisions of sections 6 of the Act of Congress approved July 2, 1940, and in these regulations, the terms "iron" and "steel" shall be construed as defined herein:

Iron and Steel:

- A. Iron ore
- B. Pig iron
- C. Ferro Alloys
 - Ferromanganese
 - Spiegeleisen
 - Ferrosilicon
 - Ferrochrome
 - Ferrotungsten
 - Ferrovandium
 - Ferrocolumbium
 - Ferrocobaltitanium
 - Ferrophosphorus
 - Ferromolybdenum
- D. Semi-Finished Products
 - Ingots
 - Billets
 - Blooms
 - Slabs
 - Sheet Bars
 - Skelp
 - Wire Rods
- E. Finished Products
 - Structural Shapes
 - Steel Piling
 - Plates
 - Skelps
 - Rails
 - Splice Bars and Tie Plates
 - Bars
 - Merchant
 - Concrete Reinforcing
 - Cold Finished
 - Alloy
 - Tool Steel
 - Hoops and Bailing Bands
 - Pipe and Tube
 - Drawn Wire
 - Nails and Staples
 - Barbed and Twisted Wire

Rij.

The Secretary of State to the Japanese Charge' (Morishima)

The Secretary of State presents his compliments to the Charge' d'Affaires ad interim of Japan and refers to the memoranda of November 30 and December 4, 1940, of the Japanese Embassy, in regard to the requirement that licenses be obtained for the export of certain machine tools which collectors of customs had been previously instructed might be exported without a license.

The Secretary of State, in reply, invites attention to the fourth paragraph of his note of December 9, 1940, in which he pointed out that this instruction to collectors of customs contained the stipulation that licenses would not be required for the export of these types of tools "until further notice". On November 25, the Department advised collectors of customs that on and after December 10, 1940, all of these types of tools would be subjected to the licensing requirement. Prior to November 25, however, the Department, pursuant to the desires of the Administrator of Export Control with whom rests full authority in matters of this sort, had had occasion to inform both collectors of customs and manufacturers that licenses would be required in certain individual cases for the export of certain specific tools of the types previously exempted, which tools are pressingly needed in the defense program of the United States. These specific instructions, which amended the instructions of July 27, 1940, and, in contradistinction to the instructions of November 25, took effect immediately, account for the course pursued in the individual cases referred to in the Embassy's memoranda of November 30 and December 4, 1940.

Washington, December 17, 1940

Page 235

Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
1931-1941, Vol. 11



辯護側文書一四〇〇一五一四

國務長官より日米代理大使へ森島へ

Ref.
國務長官は日本臨時代理大使に敬意を表すると共に茲に税關長が無免許で輸出する事が出来ること指示されて居た或る種機械器具の輸出に免許状が必要となつた件に關する昭和十五年十一月卅日付並に十二月四日付日本大使館覺書に御参照願ひたい。

右御照回到に拜答し、國務長官は昭和十五年十二月九日付同官を勅の第四條に御留意を喚起したい。即ち同文に於て同官は税關長に宛てたる此の指令は此種の器具輸出には「追て何分の通知ある迄」免許状を必要とせずとの規定を含んであることを指摘して居る。十一月廿五日國務省は昭和十五年十二月十日以降此の種器具は總て特許制となる旨税關長に通告した。乍然十一月廿五日以前に於ても國務省は此種事項に關し全權を有する輸出管理官の希望により合衆國國防計畫に極めて必要なる器具にして従前特許を免除せられて居つた或種特別器具の輸出に對しては或る個々の場合特許必要なる旨税關長並に製造業者に通知して居たところであつた。昭和十五年七月廿

Def. Doc. # 1400-X-4

七日付指令を修正し且十一月廿五日付指令とは反對に即時效力を發生した之
等特別指令は昭和十五年十一月三十日並に十二月四日付領大使館覺書に述べ
られた個々の事件に對して採られた經過を示すものである。昭和十五年十一月廿

昭和十五年十二月十七日幕府に於て

二三五頁より

昭和十六年

昭和十六年

昭和十六年十一月廿五日幕府に於て

昭和十六年十一月廿五日幕府に於て

昭和十六年十一月廿五日幕府に於て

昭和十六年十一月廿五日幕府に於て

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昭和十六年十一月廿五日幕府に於て

昭和十六年十一月廿五日幕府に於て



Proclamation No. 2451, Signed by President Roosevelt,
December 20, 1940

WHEREAS section 6 of the Act of Congress entitled "An Act to expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

(Here follows the text of the act as quoted in proclamation No. 2413 of July 2, 1940, printed on page 211.)

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after January 6, 1941, the following described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation No. 2413 of July 2, 1940, entitled "Administration of section 6 of the Act entitled 'An Act to expedite the strengthening of the national defense' approved July 2, 1940.":

1. Bromine
2. Ethylene
3. Ethylene dibromide
4. Methylamine
5. Strontium Metals and Ores
6. Cobalt
7. Abrasives and abrasive products containing emery, corundum, or garnet, as well as abrasive paper and cloth
8. Plastic molding machines and presses
9. Measuring Machines
10. Gauges
11. Testing Machines
12. Balancing Machines
13. Hydraulic Pumps
14. Tools incorporating industrial diamonds
15. Equipment and plans for the production of aviation lubricating oil

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 20th day of December, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

Franklin D. Roosevelt

By the President:
Cordell Hull
Secretary of State

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Excerpt from FOREIGN RELATIONS OF THE UNITED STATES, JAPAN,
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The Japanese Embassy to the Department of State

No. 316

The Japanese Government has taken note of the Proclamation, dated December 10, 1940, by the President of the United States of America, governing the exportation of iron and steel under the provisions of Section 6 of the Act entitled, "An Act to expedite the strengthening of the national defense," approved July 2, 1940, and of the "White House announcement" of the same date, stating in part, that "licenses will be granted for exports to the British Empire and Western Hemisphere, and for the present, so far as the interests of the national defense permit, for exports to other destinations in quantities approximating usual or pre-war exports."

The enforcement of the measure ordered by the President in the Proclamation, especially when carried out in accordance with the policy as announced -- that is, the granting of licenses for exports exclusively to certain countries while subjecting exports to other countries to the considerations of "the interests of the national defense" and to arbitrary quantitative limitations -- constitutes an instance of discriminatory treatment of countries in the latter category, of which Japan, in consideration of the volume of her importation in recent years of the specified commodities, would be one of those most gravely affected.

The Japanese Government, which has had occasion to file protests against discriminations embodied in previous Presidential Proclamations, regulations, and announcements of administrative policy governing the exportation of aviation gasoline and iron and steel scrap, by the Japanese Ambassador's notes of August 3, 1940 and October 8 (7), 1940, respectively, is now constrained to protest, under similar circumstances and for similar reasons, against this fresh measure of discrimination reviewed in the above.

(Washington), December 21, 1940

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1931-1941, Vol. 11



第三一六號

日本政府より國務省へ

日本政府は、一九四〇年十二月十日附米國大統領布告即ち、一九四〇年七月二日認可された「國防強化促進法」と題する條例第六節の規定に依り及爾來の輸出管理に關する布告、並に月日附「白堊館告知」即ちその中で「英帝國及西半球への輸出並に當分の間は國防上の利害が許す限り平時或は戰前の輸出量までは他の仕向地に對する輸出に對し許可書が與へられる」といふことに、注意を拂つてゐる。

大統領が布告に於て命令した處置の實施、特に發表された方針に於いて實施された場合——即ち、輸出許可書を或る國にのみ許與する一方、其他の國への輸出を「國防上の利害」の酌量及び任意の分量的制限に任せること——は後者の範疇の國に對する差別待遇の一例を成すものである。つて、これが爲め日本は列強された商品の近年の輸入量に甚み最も重大な影響を受ける國の一つであらう。

日本政府は、航空機用ガソリン、鐵及鋼鐵屑の輸出管理に關する幾の



大統領布告、法令並に實施方針の發表に對し表明された差別取扱に對し、
一九四〇年八月三日及一九四〇年十月八日（七）日夫々大使覺書を以て
抗議を提出したことがあつたが、今や同様の情況の下にそして同様の理
由に依り、前記の新しい差別的處置に對し抗議するを余儀なくされてゐ
る。

（ワシントン）一九四〇年十二月二十一日

米日外交關係、日本、一九三一一一九四一年、第二卷 跋 卒
第二三七頁